

INITIAL PAROLE CONSIDERATION HEARING  
STATE OF CALIFORNIA  
BOARD OF PAROLE HEARINGS

In the matter of the Life ) CDC Number: P-02144  
Term Parole Consideration )  
Hearing of: )  
 )  
THOMAS DEAN WINFREY )  
 )

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SAN QUENTIN STATE PRISON

SAN QUENTIN, CALIFORNIA

JANUARY 11, 2017

8:41 A.M.

PANEL PRESENT:

ARTHUR ANDERSON, Presiding Commissioner  
MARK REMIS, Deputy Commissioner

OTHERS PRESENT:

THOMAS DEAN WINFREY, Inmate  
KELLY RYAN, Attorney for Inmate  
JAMES BAKER, Deputy District Attorney  
MICHAEL BRENNAN, Supervising Attorney  
CORRECTIONAL OFFICERS, Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

                 No      See Review of Hearing  
                 Yes      Transcript Memorandum

DERON OWENS, Transcriber, DE

I N D E X

	<u>Page</u>
Proceedings.....	3
Case Factors.....	31
Pre-Commitment Factors.....	10, 98
Post-Commitment Factors.....	57
Parole Plans.....	80
Closing Statements.....	104
Recess.....	79, 113
Decision.....	114
Adjournment.....	127
Transcript Certification.....	129

1                   **P R O C E E D I N G S**

2                   **DEPUTY COMMISSIONER REMIS:**     Okay it's, uh, 8:41  
3 a.m.    We're on record.

4                   **PRESIDING COMMISSIONER ANDERSON:** Uh, todays date  
5 is January 11<sup>th</sup>, 2017. Located at California State  
6 Prison at San Quentin. We're here for an initial parole  
7 hearing for Thomas Winfrey, CDC number P-02144. Winfrey  
8 was committed to CDCR from Los Angeles County for murder  
9 second degree. The use of a firearm. The life crime  
10 began on, um, 8/26/2006. Serving a term of 25 years to  
11 life and MEP. Minimal eligible parole date is  
12 5/26/2019. Mr. Winfrey qualifies as a youthful  
13 offender. Youthful offender early release date is  
14 10/15/2016. This hearing is being recorded and for the  
15 purpose of voice identification each of us will be  
16 required to state our first and last names, spelling our  
17 last name. When it comes to the inmate's turn after  
18 spelling your last name give us your CDC number. My  
19 name is Arthur Anderson, A-N-D-E-R-S-O-N, Commissioner.  
20 Then I'll go to the left.

21                   **DEPUTY COMMISSIONER REMIS:** Marc Remis, R-E-M-I-  
22 S, Deputy Commissioner.

23                   **DEPUTY DISTRICT ATTORNEY BAKER:** James Baker, B-  
24 A-K-E-R, Deputy D.A., Los Angeles County.

25                   **ATTORNEY BRENNAN:** Michael Brennan, B-R-E-N-N-A-

1 N, supervising attorney.

2           **ATTORNEY RYAN:** Kelly Ryan, R-Y-A-N, certified  
3 law student.

4           **INMATE WINFREY:** Thomas Winfrey, W-I-N-F-R-E-Y.

5           **PRESIDING COMMISSIONER ANDERSON:** Thank you. Let  
6 the record reflect we have one officer for security only  
7 here today. Mr. Winfrey let's go over some ADA issues.  
8 Americans with disabilities. Um, do you have any  
9 disabilities here today?

10           **INMATE WINFREY:** Uh, I'm a diabetic. That's the  
11 --

12           **PRESIDING COMMISSIONER ANDERSON:** Do you take any  
13 medication?

14           **INMATE WINFREY:** Yes, sir.

15           **PRESIDING COMMISSIONER ANDERSON:** Does that  
16 medication affect your ability to, uh, participate in  
17 the hearing here today?

18           **INMATE WINFREY:** No, sir.

19           **PRESIDING COMMISSIONER ANDERSON:** Um, are you  
20 part of mental health?

21           **INMATE WINFREY:** No, sir.

22           **PRESIDING COMMISSIONER ANDERSON:** Have you ever  
23 been part of mental health?

24           **INMATE WINFREY:** No, sir.

25           **PRESIDING COMMISSIONER ANDERSON:** And I saw you

1 walk here today unassisted and you can use your hands,  
2 uh, and I see you're wearing corrective lenses. Um,  
3 anything else in terms of, um, accommodations we need to  
4 do for you?

5 **INMATE WINFREY:** No, sir.

6 **PRESIDING COMMISSIONER ANDERSON:** Okay, Counsel  
7 have you went over his assessment of his ADA rights?

8 **ATTORNEY RYAN:** Yes.

9 **PRESIDING COMMISSIONER ANDERSON:** Thank you. Uh,  
10 okay, we've had the opportunity to, as a panel, to  
11 review your central file and your prior transcripts --  
12 correction, starting over, transcription. We've had the  
13 ability and opportunity to view your central file and  
14 you will be given an opportunity to correct or clarify  
15 the record as we proceed. Nothing that happens here  
16 today will change the finding of the court. We're not  
17 here to retry the case, we're here for the sole purpose  
18 of determining your suitability for parole. You  
19 understand that today?

20 **INMATE WINFREY:** Yes, sir.

21 **PRESIDING COMMISSIONER ANDERSON:** And Counsel,  
22 you met with your client to discuss his rights regarding  
23 his rights here today?

24 **ATTORNEY RYAN:** Yes.

25 **PRESIDING COMMISSIONER ANDERSON:** Thank you. And

1 you were given a copy of your hearing rights. Let's see  
2 here by your counselor. Excuse me, the counselor went  
3 over your rights with you, sir?

4 **INMATE WINFREY:** Yes, sir.

5 **PRESIDING COMMISSIONER ANDERSON:** And you met  
6 with your attorney?

7 **INMATE WINFREY:** Yes, sir.

8 **PRESIDING COMMISSIONER ANDERSON:** And, um, having  
9 that in mind, do you have any questions about your  
10 rights for this hearing?

11 **INMATE WINFREY:** No, No, I don't.

12 **PRESIDING COMMISSIONER ANDERSON:** Do you have any  
13 questions today about how the hearings going to work?

14 **INMATE WINFREY:** Uh, I understand how the  
15 hearings --

16 **PRESIDING COMMISSIONER ANDERSON:** Do you  
17 understand today about the laws that the board will use  
18 to determine your suitability or unsuitability for  
19 parole?

20 **INMATE WINFREY:** Yes, my attorneys advised me of  
21 them.

22 **PRESIDING COMMISSIONER ANDERSON:** Okay. Counsel  
23 has your client's rights been met at this point?

24 **ATTORNEY RYAN:** Yes.

25 **PRESIDING COMMISSIONER ANDERSON:** Any preliminary

1 objections?

2           **ATTORNEY RYAN:** Yes, um, we'd like to object to  
3 the use of, um, information in Mr. Winfrey's  
4 confidential file on the grounds that we have no  
5 received any 1030 forms for that information.

6           **PRESIDING COMMISSIONER ANDERSON:** Okay. Um, the  
7 objections overruled should the board utilize any  
8 confidential information we'll notify you and allow you  
9 an opportunity to object or raise -- raise an objection  
10 on the record at the time that we notify you.

11           **ATTORNEY RYAN:** Yes, sir.

12           **PRESIDING COMMISSIONER ANDERSON:** Okay. Um, any  
13 additional documents we already got the -- the file.  
14 This is called, um, support and submission, um, of your  
15 client. Does District Attorney have one of these?

16           **DEPUTY DISTRICT ATTORNEY BAKER:** Uh, no, I did a  
17 reading it was in WatchDox --

18           **PRESIDING COMMISSIONER ANDERSON:** It's in  
19 WatchDox?

20           **DEPUTY DISTRICT ATTORNEY BAKER:** -- or most of  
21 it.

22           **PRESIDING COMMISSIONER ANDERSON:** Okay. Anything  
23 we read we will give it to you and let you -- if  
24 anything is not here that's not -- that's here and not  
25 in WatchDox we'll give it to you for review.

1           **DEPUTY DISTRICT ATTORNEY BAKER:** Well, thank you.

2           **PRESIDING COMMISSIONER ANDERSON:** Okay.

3           **ATTORNEY RYAN:** Um, we also have four additional  
4 letters of support that were received more recently than  
5 when we submitted this to prison.

6           **PRESIDING COMMISSIONER ANDERSON:** Well, well,  
7 give it to the District Attorney, the District Attorney  
8 will pass it to us after his review.

9           **ATTORNEY RYAN:** Thank you.

10          **DEPUTY DISTRICT ATTORNEY BAKER:** Mhmm.

11          **PRESIDING COMMISSIONER ANDERSON:** Will your  
12 client be speaking on the panel today?

13          **ATTORNEY RYAN:** Yes.

14          **PRESIDING COMMISSIONER ANDERSON:** Thank you. Mr.  
15 Winfrey raise your right hand, I'm going to swear you  
16 in. Do you solemnly swear or affirm the testimony you  
17 give at this hearing will be the truth and nothing but  
18 the truth?

19          **INMATE WINFREY:** I do.

20          **PRESIDING COMMISSIONER ANDERSON:** Thank you. Um,  
21 let's see today we're going to utilize, um, these  
22 documents here. It's already in WatchDox, but so we're  
23 all on the same page it's a -- I'll call it a brief in  
24 support of Mr. Winfrey's, uh, parole, and um, we have,  
25 um, um -- This says Mr. Realis (phonetic).

1           **ATTORNEY RYAN:** Um, Oh, I apologize that's a typo  
2 from the formatting.

3           **DEPUTY DISTRICT ATTORNEY BAKER:** Yeah, I noticed  
4 that.

5           **PRESIDING COMMISSIONER ANDERSON:** We'll just  
6 scratch it out and, uh, --

7           **ATTORNEY RYAN:** I, uh, I apologize for that.

8           **PRESIDING COMMISSIONER ANDERSON:** We'll scratch  
9 it out and put the right name in, how about that?

10          **SUPERVISING ATTORNEY BRENNAN:** The rest of the  
11 brief looks like it reads -

12          **ATTORNEY RYAN:** Was correct, Yes, I apologize for  
13 that.

14          **PRESIDING COMMISSIONER ANDERSON:** No problem,  
15 we'll take care of that. Um, we'll utilize that as a  
16 foundation also. Works already been done no need to  
17 reinvent the wheel here. And, uh, we'll also  
18 incorporate today the most recent comprehensive risk  
19 assessment by Dr. Goldstein. And it's 14 pages, and  
20 we'll talk about relative portions of that as we move  
21 forward. Mr. Uh, let's see -- Mr. Winfrey how long have  
22 you been at this prison?

23          **INMATE WINFREY:** A little over six years. About  
24 six and a half years, sir.

25          **PRESIDING COMMISSIONER ANDERSON:** And where were

1 you before then?

2       **INMATE WINFREY:** California Men's Colony.

3       **PRESIDING COMMISSIONER ANDERSON:** Okay. Why'd  
4 you come here?

5       **INMATE WINFREY:** Uh, I transferred here really  
6 because I wanted to pursue my education. And I had  
7 found out, uh, a few months before my -- my, uh, annual  
8 that they had a college program here that was open. And  
9 at the time the college program in CMC had shut down.

10      **PRESIDING COMMISSIONER ANDERSON:** Okay. And so,  
11 uh, did you pursue your education?

12      **INMATE WINFREY:** Yes, sir. I earned my, uh,  
13 associate's degree from prison university -- or Patton  
14 University --

15      **PRESIDING COMMISSIONER ANDERSON:** Okay.

16      **INMATE WINFREY:** -- that's here.

17      **PRESIDING COMMISSIONER ANDERSON:** When'd you  
18 start? In 2010?

19      **INMATE WINFREY:** Uh, yeah, I started, uh, spring  
20 semester 2011 because I got here during the, um, fall  
21 semester 2010. And I completed the degree in 2015.

22      **PRESIDING COMMISSIONER ANDERSON:** Okay.

23      **INMATE WINFREY:** Oh no, 2014, excuse me.

24      **PRESIDING COMMISSIONER ANDERSON:** What are you  
25 doing now in terms of education?

1           **INMATE WINFREY:** Um, I'm in a computer coding  
2 class here, 737 O.

3           **PRESIDING COMMISSIONER ANDERSON:** That's a good  
4 course.

5           **INMATE WINFREY:** Yes, sir.

6           **PRESIDING COMMISSIONER ANDERSON:** Good. Um, you  
7 grew up in Texas before you moved to Los Angeles?

8           **INMATE WINFREY:** Yeah, I moved to Los Angeles the  
9 first time when I was entering the third grade, so I was  
10 about eight years old.

11           **PRESIDING COMMISSIONER ANDERSON:** Okay, Okay.

12 And, um, what do your parents do for a living?

13           **INMATE WINFREY:** My dad was a heavy equipment  
14 operation and my mom is a school teacher, elementary  
15 school teacher.

16           **PRESIDING COMMISSIONER ANDERSON:** Okay, and three  
17 brothers. Uh, are your brothers still alive?

18           **INMATE WINFREY:** Yes, all three of them.

19           **PRESIDING COMMISSIONER ANDERSON:** Do they have  
20 contact with you?

21           **INMATE WINFREY:** Yes.

22           **PRESIDING COMMISSIONER ANDERSON:** And they know  
23 why you're in prison?

24           **INMATE WINFREY:** Yes, they do.

25           **PRESIDING COMMISSIONER ANDERSON:** Any of your

1 brothers ever been incarcerated?

2           **INMATE WINFREY:** Yes, uh, my little brother  
3 that's 11 months younger than me, John, has been  
4 incarcerated.

5           **PRESIDING COMMISSIONER ANDERSON:** Okay. What did  
6 he get incarcerated for?

7           **INMATE WINFREY:** I believe the last time was, uh,  
8 for strong arm robbery.

9           **PRESIDING COMMISSIONER ANDERSON:** Is he out now?

10          **INMATE WINFREY:** Yes, he's been out and off  
11 parole for over a decade now.

12          **PRESIDING COMMISSIONER ANDERSON:** Okay, and, uh,  
13 your parents, still alive?

14          **INMATE WINFREY:** My mother is still alive. My  
15 father is deceased.

16          **PRESIDING COMMISSIONER ANDERSON:** Okay, and where  
17 does your mother live?

18          **INMATE WINFREY:** In Texas.

19          **PRESIDING COMMISSIONER ANDERSON:** Oh, she lives  
20 in Texas?

21          **INMATE WINFREY:** Yes.

22          **PRESIDING COMMISSIONER ANDERSON:** Okay, what part  
23 of Texas?

24          **INMATE WINFREY:** South east Texas, around  
25 Beaumont area.

1           **PRESIDING COMMISSIONER ANDERSON:** Okay. And, um,  
2 you say you -- when you move to Los Angeles you live in  
3 a neighborhood with significant problems with substance  
4 abuse and gang related violence. Were you ever in a  
5 gang?

6           **INMATE WINFREY:** No, sir.

7           **PRESIDING COMMISSIONER ANDERSON:** But there was  
8 violence around you?

9           **INMATE WINFREY:** Yes.

10          **PRESIDING COMMISSIONER ANDERSON:** What  
11 neighborhood was this?

12          **INMATE WINFREY:** Uh, I lived in several  
13 neighborhoods, but I lived in, uh, Norwalk mainly is  
14 where I identify like my informative years, where I grew  
15 up.

16          **PRESIDING COMMISSIONER ANDERSON:** Okay. And  
17 that's in the eastern part of the county.

18          **INMATE WINFREY:** Yeah.

19          **PRESIDING COMMISSIONER ANDERSON:** And, um, I'm  
20 just going to read something. You obeyed the family  
21 rules, um, you got involved in theft, vandalism at age  
22 12 or younger. No runaways. Um, it says part  
23 pathological lying, bullying others, excessive fighting.  
24 Fires or harming others, or animals that is. So it  
25 looks like you've been doing well academically when you

1 went to school.

2           **INMATE WINFREY:** Yes.

3           **PRESIDING COMMISSIONER ANDERSON:** So you were  
4 okay doing that part of your life. Um, you were not a  
5 disruptive student, no special education, nothing like  
6 that. Never involved with gangs, um, you're associated  
7 with the Caucasians in prison. So what kind of tattoos  
8 do you have?

9           **INMATE WINFREY:** Uh, I have numerous tattoos the  
10 main one, uh, a swastika on my chest.

11           **PRESIDING COMMISSIONER ANDERSON:** Okay.

12           **INMATE WINFREY:** I have a lot of skulls.

13           **PRESIDING COMMISSIONER ANDERSON:** Did you know  
14 what a swastika meant when you put that on your body?

15           **INMATE WINFREY:** Yes, sir. I did.

16           **PRESIDING COMMISSIONER ANDERSON:** Why did you do  
17 that?

18           **INMATE WINFREY:** Um, one of the big reasons I  
19 look back now on my life at that time, was I really  
20 wanted to fit in with the whites on the yard. Um --

21           **PRESIDING COMMISSIONER ANDERSON:** Why'd you want  
22 to do that?

23           **INMATE WINFREY:** I felt like it's a place where I  
24 felt accepted at that age. Um --

25           **PRESIDING COMMISSIONER ANDERSON:** And how old

1 were you?

2           **INMATE WINFREY:** I was 20 years old when I got to  
3 prison and put that tattoo on me, um.

4           **PRESIDING COMMISSIONER ANDERSON:** There were  
5 other white inmates that didn't put swastikas on their  
6 body, why you?

7           **INMATE WINFREY:** Yes, sir, Um, I really wanted to  
8 fit in. I wanted to be accepted by the older guys on  
9 the yard that I looked up to.

10          **PRESIDING COMMISSIONER ANDERSON:** Were these  
11 older guys on the yard Aryan brotherhoods?

12          **INMATE WINFREY:** No, sir.

13          **PRESIDING COMMISSIONER ANDERSON:** What were they?

14          **INMATE WINFREY:** Um, to my knowledge they were  
15 just white guys on the yard that had done a lot of time  
16 and been involved in a lot of politics or rules --  
17 formation of rules within the white culture on the yard.  
18 Um --

19          **PRESIDING COMMISSIONER ANDERSON:** But you don't  
20 put swastikas on your body unless you're trying to make  
21 a statement.

22          **INMATE WINFREY:** Yes, I was definitely trying to  
23 make a statement.

24          **PRESIDING COMMISSIONER ANDERSON:** What about the  
25 others?

1           **INMATE WINFREY:** The others?

2           **PRESIDING COMMISSIONER ANDERSON:** Mhmm. The

3 others including you.

4           **INMATE WINFREY:** Yeah.

5           **PRESIDING COMMISSIONER ANDERSON:** So those

6 swastikas are racist in nature, would you believe that?

7           **INMATE WINFREY:** Yes, sir.

8           **PRESIDING COMMISSIONER ANDERSON:** So now you put

9 a racist symbol on your body so you can fit in. And now

10 you're saying I'm a racist. That's what you're saying.

11 At that time you were saying I am a racist, but I'm not

12 a racist because I want to fit in.

13           **INMATE WINFREY:** No, at the time, I believed that

14 that's why I was putting it on my body.

15           **PRESIDING COMMISSIONER ANDERSON:** That you were a

16 racist?

17           **INMATE WINFREY:** Yes, at that time.

18           **PRESIDING COMMISSIONER ANDERSON:** And why were

19 you a racist then?

20           **INMATE WINFREY:** Um, because I did look to older

21 guys, um, and adopt their belief systems without really

22 thinking for myself.

23           **PRESIDING COMMISSIONER ANDERSON:** Mhmm.

24           **INMATE WINFREY:** I had a huge problem with that

25 when I was younger.

1           **PRESIDING COMMISSIONER ANDERSON:** How old are you  
2 now?

3           **INMATE WINFREY:** I'm 38 years old now.

4           **PRESIDING COMMISSIONER ANDERSON:** There are  
5 people that are 38 years old now that are still racist.

6           **INMATE WINFREY:** Yes, sir.

7           **PRESIDING COMMISSIONER ANDERSON:** So why have you  
8 changed?

9           **INMATE WINFREY:** A big thing for me has been  
10 education and looking at my life through a lot of these  
11 self-help programs. And, uh, it's really opened up my  
12 eyes to the world and changed my views and allowed me to  
13 critically think about my life. And actually understand  
14 why I was holding the beliefs I was holding. And a lot  
15 of those beliefs didn't fit in --

16           **PRESIDING COMMISSIONER ANDERSON:** So why were you  
17 holding the beliefs you were holding? Racist views, why?

18           **INMATE WINFREY:** I think -- I believe I adopted  
19 them because they were easy for me to adopt at the time.

20           **PRESIDING COMMISSIONER ANDERSON:** Why were they  
21 easy?

22           **INMATE WINFREY:** Because --

23           **PRESIDING COMMISSIONER ANDERSON:** Did you grow up  
24 like that? Did your parents teach you to be racist?

25           **INMATE WINFREY:** No, sir.

1           **PRESIDING COMMISSIONER ANDERSON:** Your brothers  
2 racist?

3           **INMATE WINFREY:** No, sir.

4           **PRESIDING COMMISSIONER ANDERSON:** Then why are  
5 you?

6           **INMATE WINFREY:** Um, because the place I was at  
7 and the people I was around.

8           **PRESIDING COMMISSIONER ANDERSON:** How'd you get  
9 there? How'd you get there?

10          **INMATE WINFREY:** I committed a crime and I put  
11 myself there by killing Mr. Sibet. (phonetic)

12          **PRESIDNG COMMISSIONER ANDERSON:** Well, Mr.  
13 Winfrey I grew up in the south.

14          **INMATE WINFREY:** Yes, sir.

15          **PRESIDING COMMISSIONER ANDERSON:** And I saw the  
16 Ku Klux Klan hanging people. I saw unmentionable  
17 things. I never adopted racist views, because I knew  
18 mankind is not like that. All mankind, womankind,  
19 they're not like that. I always had a belief in people.  
20 So why are you different than me?

21          **INMATE WINFREY:** I am no different, sir.

22          **PRESIDING COMMISSIONER ANDERSON:** But you're a  
23 racist at that age, I wasn't. And I saw some of the  
24 unmentionable things in life. Why'd you change and  
25 adopt the racist culture that you didn't grow up with,

1 why?

2           **INMATE WINFREY:** I believe it was, uh, I really  
3 wanted to be accepted by people.

4           **PRESIDING COMMISSIONER ANDERSON:** So how do I  
5 know that you're not going to get out on the streets,  
6 because there's still disruptive people in our society  
7 and say Oh I want to go with this group because I want  
8 to fit in with this group.

9           **INMATE WINFREY:** Yeah.

10          **PRESIDING COMMISSIONER ANDERSON:** And they happen  
11 to be racist. How do I know you're not going to do  
12 that?

13          **INMATE WINFREY:** Because, uh, I've grew up and  
14 prison. I've learned to understand where my belief  
15 system comes from.

16          **PRESIDING COMMISSIONER ANDERSON:** You partially  
17 grew up in prison. You were 20 years old.

18          **INMATE WINFREY:** Yes, sir.

19          **PRESIDING COMMISSIONER ANDERSON:** I'm not the guy  
20 that you can tell, Oh, I grew up in prison. You were 20  
21 years old. There are young men that are 18 years old  
22 fighting our wars in our country. They've grown up  
23 defending this country.

24          **INMATE WINFREY:** Yes, sir.

25          **PRESIDING COMMISSIONER ANDERSON:** While you were

1 in prison.

2           **INMATE WINFREY:** Yes, sir.

3           **PRESIDING COMMISSIONER ANDERSON:** And they're two  
4 years younger than you, fighting wars in a foreign land.  
5 And you're saying, but I grew up in prison. It's true  
6 you did some of your growing up in prison, but that's  
7 not totally mitigating with me.

8           **INMATE WINFREY:** I understand, sir.

9           **PRESIDING COMMISSIONER ANDERSON:** Part of it is,  
10 but not all of it. Want to make another statement?

11           **INMATE WINFREY:** No, sir.

12           **PRESIDING COMMISSIONER ANDERSON:** You told me you  
13 grew up in prison.

14           **INMATE WINFREY:** Yes.

15           **PRESIDING COMMISSIONER ANDERSON:** What does that  
16 mean to you really?

17           **INMATE WINFREY:** I mean that I've come to form a  
18 belief system of my own choosing.

19           **PRESIDING COMMISSIONER ANDERSON:** Okay.

20           **INMATE WINFREY:** And not adopt what people around  
21 me just feed to me.

22           **PRESIDING COMMISSIONER ANDERSON:** Okay.

23           **INMATE WINFREY:** And I've came to some moral  
24 views through education and thinking critically about my  
25 life. And understanding the harm I've done to other

1 people. And --

2 **PRESIDING COMMISSIONER ANDERSON:** But give me an  
3 example that tells me that you changed over the last  
4 several years. Give me an example, any example it  
5 doesn't matter. There is no right answer here.

6 **INMATE WINFREY:** Yeah.

7 **PRESIDING COMMISSIONER ANDERSON:** Or wrong  
8 answer.

9 **INMATE WINFREY:** Um, I believe one of the biggest  
10 changes in my life is my ability to communicate with all  
11 people. And big evidence is that my fiancé is Jewish.  
12 And I plan to mar -- marry this woman when I get out of  
13 prison, and start a family with her, and, um --

14 **PRESIDING COMMISSIONER ANDERSON:** Does she know  
15 got a swastika on your chest?

16 **INMATE WINFREY:** Yes, he -- yes, she does.

17 **PRESIDING COMMISSIONER ANDERSON:** What are you  
18 going to do about that before you get married?

19 **INMATE WINFREY:** I'm definitely going to get this  
20 removed -- this tattoo removed if I have the chance.

21 **PRESIDING COMMISSIONER ANDERSON:** Cause you -- I  
22 don't think you'll popular man at the, uh, family  
23 swimming pool.

24 **INMATE WINFREY:** Yes, sir.

25 **PRESIDING COMMISSIONER ANDERSON:** Now would you?

1           **INMATE WINFREY:** No, sir.

2           **PRESIDING COMMISSIONER ANDERSON:** I don't think  
3 so. Maybe question your judgement and hers too. To be  
4 truthfully speaking. But that's good, how'd you meet  
5 her?

6           **INMATE WINFREY:** Uh, I was on a pen pal website,  
7 my friend, uh, girlfriend at the time put me on a pen  
8 pal website, and she was inter -- she's a sociology  
9 major and she was interested in teaching in prison. And  
10 she saw that I had, uh, just graduated from college and  
11 so she wrote me a letter. Um, she really wanted to  
12 understand what going to college in prison was like.  
13 And we started to communicate.

14           **PRESIDING COMMISSIONER ANDERSON:** Where's she  
15 live?

16           **INMATE WINFREY:** She lives in San Diego.

17           **PRESIDING COMMISSIONER ANDERSON:** You ever, has  
18 she ever been up here to see you?

19           **INMATE WINFREY:** Yes, matter of fact, she's  
20 staying in Berkley right now. She comes up here about  
21 every six weeks to come see me.

22           **PRESIDING COMMISSIONER ANDERSON:** Okay, how old  
23 is she?

24           **INMATE WINFREY:** She's 25.

25           **PRESIDING COMMISSIONER ANDERSON:** Okay. Well

1 good, we all need somebody in our life to help us with  
2 our own ways of thinking and also in our nature. We  
3 need others. Start using drugs, how old were you when  
4 you started using drugs, sir?

5           **INMATE WINFREY:** I was 12 years old the first  
6 time that I smoked marijuana and it progressed from  
7 there to methamphetamines by the time I was 16.

8           **PRESIDING COMMISSIONER ANDERSON:** Why'd you start  
9 taking drugs?

10          **INMATE WINFREY:** At the time, to fit in. A lot  
11 of it was to fit in and peer pressure. I was in the  
12 park the first time I ever smoked weed with a guy I just  
13 met when we moved to Norwalk.

14          **PRESIDING COMMISSIONER ANDERSON:** Okay.

15          **INMATE WINFREY:** A guy named Danny and, um, he  
16 had got some weed from his Aunt and we smoked it out of  
17 a beer can. It was the first time ever. And, um, a  
18 couple time after that also being around guys that were  
19 smoking it and being offered it and not wanting to say  
20 no. Feeling that peer pressure, but eventually I began  
21 to, uh, like it. I liked the way it felt, it kind of  
22 took some of the pressure off me that I was feeling at  
23 that age.

24          **PRESIDING COMMISSIONER ANDERSON:** Okay.

25          **INMATE WINFREY:** And, uh, I realize now a lot of

1 that pressure was due to my father's alcoholism and me  
2 wanted to escape the pressures I felt of that at home.

3                   **PRESIDING COMMISSIONER ANDERSON:** Why did you  
4 take -- start taking the horrific drug, meth?

5                   **INMATE WINFREY:** The meth, uh, a lot of the same  
6 reasons it was offered to me, I felt peer pressured, but  
7 I soon began to enjoy it also. It helped pushed me  
8 further away from my problems, it was a way for me to  
9 actually avoid facing many of the problems I felt when I  
10 was younger.

11                  **PRESIDING COMMISSIONER ANDERSON:** So how old were  
12 you when you first took the hit on meth?

13                  **INMATE WINFREY:** Uh, 16.

14                  **PRESIDING COMMISSIONER ANDERSON:** Sixteen years  
15 old?

16                  **INMATE WINFREY:** Yes, sir.

17                  **PRESIDING COMMISSIONER ANDERSON:** And, um, how'd  
18 you get the money to buy meth?

19                  **INMATE WINFREY:** Uh, I was working at the time.  
20 I worked odd jobs a lot when I was younger. I worked,  
21 uh, at a glass shop.

22                  **PRESIDING COMMISSIONER ANDERSON:** Okay. And  
23 then, uh, where you ever a drug dealer?

24                  **INMATE WINFREY:** Yes, sir.

25                  **PRESIDING COMMISSIONER ANDERSON:** Were you

1 trafficking meth?

2           **INMATE WINFREY:** Yes, sir.

3           **PRESIDING COMMISSIONER ANDERSON:** Why'd you start  
4 that?

5           **INMATE WINFREY:** Um, when I got fired from my job  
6 at the glass shop. I was -- I just begun selling meth  
7 and I was using it daily. And a lot of it was  
8 supporting my habit and the life style I was living at  
9 that time.

10          **PRESIDING COMMISSIONER ANDERSON:** What kind of  
11 lifestyle was that sir?

12          **INMATE WINFREY:** A criminal lifestyle.

13          **PRESIDING COMMISSIONER ANDERSON:** So, um, so now  
14 you're 18 -- 17, 18, 19 years old.

15          **INMATE WINFREY:** Yes.

16          **PRESIDING COMMISSIONER ANDERSON:** You transition  
17 into a criminal lifestyle.

18          **INMATE WINFREY:** Yes, sir.

19          **PRESIDING COMMISSIONER ANDERSON:** Why?

20          **INMATE WINFREY:** Um, I was -- I would say a lot  
21 of that was due to, uh, me not wanting to accept  
22 reality. I didn't want to face the problems I had. I  
23 wanted to, uh -- it was easy for me. It was easy for me  
24 to get drugs, it was easy for me to sell drugs. I  
25 didn't want to do the hard work of actually looking at

1 my life and dealing with my problems. And I -- I enjoyed  
2 it at that time. It was - it was contributing to my  
3 drug supply.

4 **PRESIDING COMMISSIONER ANDERSON:** So?

5 **INMATE WINFREY:** I adopted that.

6 **PRESIDING COMMISSIONER ANDERSON:** So let me ask  
7 you a question. You took meth and I read -- and I'm  
8 going off memory so you can correct me if I'm wrong, you  
9 stayed up up to 25 days at a time?

10 **INMATE WINFREY:** Yes.

11 **PRESIDING COMMISSIONER ANDERSON:** How'd you do  
12 that?

13 **INMATE WINFREY:** Just using drugs every day.

14 **PRESIDING COMMISSIONER ANDERSON:** Wow, that's  
15 incredible. And did you go to work? While --

16 **INMATE WINFREY:** No, at that point in my life I  
17 had just begun to sell drugs only.

18 **PRESIDING COMMISSIONER ANDERSON:** Just sell  
19 drugs.

20 **INMATE WINFREY:** Yeah.

21 **PRESIDING COMMISSIONER ANDERSON:** Did you carry a  
22 weapon?

23 **INMATE WINFREY:** Yes, sir.

24 **PRESIDING COMMISSIONER ANDERSON:** Okay.

25 **INMATE WINFREY:** A, uh, firearm.

1           **PRESIDING COMMISSIONER ANDERSON:** While you were  
2 selling drugs?

3           **INMATE WINFREY:** Yes, sir.

4           **PRESIDING COMMISSIONER ANDERSON:** Now, did you  
5 use meth in prison?

6           **INMATE WINFREY:** Uh, in my first years of  
7 incarceration I did. Up to the year 2003.

8           **PRESIDING COMMISSIONER ANDERSON:** Did you use  
9 opium, heroin?

10          **INMATE WINFREY:** Yes. That's where I was first  
11 used -- introduced to, uh, heroin when I got into the  
12 prison and I used that till the year 2003 also.

13          **PRESIDING COMMISSIONER ANDERSON:** Why did you use  
14 this drug -- that drug?

15          **INMATE WINFREY:** Um, I had a cellmate that first  
16 introduced it to me and, uh, I was still in that  
17 mindset, um, not wanting to change. Uh, and he offered  
18 me the drug and I never --

19          **PRESIDING COMMISSIONER ANDERSON:** Was it peer  
20 pressure?

21          **INMATE WINFREY:** Other thing -- at that time it  
22 wasn't peer pressure, it was really me wanting to use  
23 drugs. Um, me not wanting to face what I had done to  
24 get to that place in my life. And, uh, I enjoyed the  
25 drugs. I was still hanging on to my old belief system.

1                   **PRESIDING COMMISSIONER ANDERSON:** So what was the  
2 change in your life to say I'm not going to use drugs  
3 anymore. What was that? Why did that happen?

4                   **INMATE WINFREY:** I was in High Desert State  
5 Prison at that time. In, uh, 2003 and we were on lock  
6 down and I got up one morning and, you know, I didn't  
7 have any deodorant, I didn't have no soups in my locker,  
8 things I should have had, things I was selling for drugs  
9 up to that point -- trading for drugs. And I really sat  
10 down and I just thought about what drugs had done for me  
11 in my life and what they had got me, and what it has  
12 caused, the negative things. And I couldn't think of  
13 one positive thing that drugs other got me, besides a  
14 feeling of euphoria. Everything was, um, very negative.  
15 The impact it had on my family, just everything. Uh,  
16 where I was at in life. I was sitting in prison, I took  
17 a man's life. Then I decided I didn't want that no more  
18 for myself. That there was no benefit for me to do  
19 drugs.

20                   **PRESIDING COMMISSIONER ANDERSON:** Did somebody  
21 try to intervene in your life prior to coming to prison,  
22 say whoa you need to try to slow down, who tried to do  
23 that for you?

24                   **INMATE WINFREY:** My mother tried to do that for  
25 me.

1           **PRESIDING COMMISSIONER ANDERSON:** She tried to  
2 help you out?

3           **INMATE WINFREY:** Yes, she did. And I refused  
4 that help. I, uh, at the time I got mad. She offered -  
5 - I was living with her when I was 18 and she had seen  
6 how bad I got. How addicted to drugs I was. And she  
7 offered to get me into a treatment program. And she  
8 made, um, I had a choice either leave the house or go to  
9 a treatment program, and I just at that time. I  
10 couldn't understand it. I saw it as a betrayal. I felt  
11 like she was kicking me out of the house. Um, but today  
12 I see she really was -- she was really concerned about  
13 me and she was doing everything she knew in her power to  
14 hel -- to get me help.

15           **PRESIDING COMMISSIONER ANDERSON:** Anybody else in  
16 your family addicted to drugs at one time in their life?

17           **INMATE WINFREY:** No, sir. My father was an  
18 alcoholic, but never drugs.

19           **PRESIDING COMMISSIONER ANDERSON:** So, what -- how  
20 did he die? If you don't mind me asking.

21           **INMATE WINFREY:** Um, it's -- it's pretty  
22 complicated, I don't really understand it, but he died  
23 of a heart attack because of complications he had from a  
24 disease that he -- it was like a blood born kind of  
25 cancer from working in refineries and being exposed to

1 chemicals.

2                   **PRESIDING COMMISSIONER ANDERSON:** Oh, okay. I'm  
3 just reading something here and if there's corrections  
4 please make those corrections.

5                   **INMATE WINFREY:** Yes, sir.

6                   **PRESIDING COMMISSIONER ANDERSON:** You were first  
7 arrested at age 13, 14 for stealing a bike and released.  
8 Raised -- uh, arrested at 17 for brandished a weapon.  
9 Did you brandish a weapon?

10                  **INMATE WINFREY:** Yes, sir.

11                  **PRESIDING COMMISSIONER ANDERSON:** What was that  
12 about?

13                  **INMATE WINFREY:** Uh, my littlest brother we, uh,  
14 we lived Downey at that time and there was a park across  
15 the street from our apartments and he got into some  
16 conflict with some guys and I had a BB gun. He came and  
17 told me and I showed those guys the BB gun and drove  
18 off. And, uh, the sheriffs showed up looking for me and  
19 arrested me.

20                  **PRESIDING COMMISSIONER ANDERSON:** Okay. How  
21 about willful discharge of a firearm in a negligent  
22 manner and convicted of carrying a concealed weapon and  
23 sentenced to 15 days? And that looks like it was on  
24 8/30/1997, no correction, that wasn't for that so what  
25 was that about? I guess in 96.

1           **INMATE WINFREY:** Yeah, that was in, um, December  
2 of 96. I was arrested, I had a firearm, uh, when the  
3 police pulled me over and searched my car. Uh, and I  
4 had empty shells in my pocket, cause I had shot it at  
5 dirt mound. Um, in a different city and they -- I was  
6 arrested and I was released on my own. When I was  
7 subsequently arrested for this case, uh, I went back to  
8 court because I ran on it. Um, from the bell basically.

9           **PRESIDING COMMISSIONER ANDERSON:** When you say  
10 you ran you mean --

11           **INMATE WINFREY:** I didn't go back to court.

12           **PRESIDING COMMISSIONER ANDERSON:** So you got, uh,  
13 failure to appear.

14           **INMATE WINFREY:** Yeah, uh, I had failure to  
15 appear. Then when I was arrested for this case, uh, I  
16 plead guilty to it.

17           **PRESIDING COMMISSIONER ANDERSON:** And possession  
18 of a controlled substance, and paraphernalia?

19           **INMATE WINFREY:** Yeah, that was when I was  
20 arrested on this case. I had meth in the motel room.

21           **PRESIDING COMMISSIONER ANDERSON:** And then they  
22 have down here, did you exhibit a drawing of a firearm  
23 on 4/01/96?

24           **INMATE WINFREY:** That's the same as, uh,  
25 brandishing of a firearm.

1           **PRESIDING COMMISSIONER ANDERSON:** Okay. And, um,  
2 your victim, what was his name?

3           **INMATE WINFREY:** Shay Sibet. (phonetic)

4           **PRESIDING COMMISSIONER ANDERSON:** Did you know  
5 Sibet?

6           **INMATE WINFREY:** Yes, I knew him for a --  
7 approximately a year before I murdered him.

8           **PRESIDING COMMISSIONER ANDERSON:** Okay, what kind  
9 of relationship did you and Sibet have?

10          **INMATE WINFREY:** Um, I met Shay, Mr. Sibet, uh,  
11 when I first started to sell drugs to him. I was  
12 introduced through a mutual acquaintance named Ronny.  
13 And, uh --

14          **PRESIDING COMMISSIONER ANDERSON:** Okay. What  
15 kind of drugs were you selling to him?

16          **INMATE WINFREY:** Methamphetamines.

17          **PRESIDING COMMISSIONER ANDERSON:** Meth, Okay.  
18 And so now you -- you -- he's -- you're selling drugs to  
19 him. And this is what city? Is this --

20          **INMATE WINFREY:** In Norwalk.

21          **PRESIDING COMMISSIONER ANDERSON:** Norwalk, okay.  
22 So now you're selling drugs out of mom's home?

23          **INMATE WINFREY:** I did stay with her in the  
24 beginning, but eventually when she gave me the ultimatum  
25 I left. I was on my own for about a year.

1           **PRESIDING COMMISSIONER ANDERSON:** Okay. So now  
2 you're on your own there in Norwalk selling drugs. Were  
3 you making money?

4           **INMATE WINFREY:** Yes, sir.

5           **PRESIDING COMMISSIONER ANDERSON:** Supporting  
6 yourself?

7           **INMATE WINFREY:** Um, yeah enough to stay in motel  
8 rooms and buy more drugs. That had become my life at  
9 that time.

10          **PRESIDING COMMISSIONER ANDERSON:** So you're not -  
11 - you're not staying at the Four Seasons, you're staying  
12 more like at a Motel 6 variety, right?

13          **INMATE WINFREY:** Yes, sir.

14          **PRESIDING COMMISSIONER ANDERSON:** Okay. You do  
15 know what the Four Seasons is though right?

16          **INMATE WINFREY:** Yes.

17          **PRESIDING COMMISSIONER ANDERSON:** Okay, I don't  
18 want to be saying things you don't know anything about.  
19 So now you're hanging out at these motel rooms, and  
20 that's how your customers came? To the motel rooms to  
21 buy their drugs from you? Or did you go out on the  
22 street?

23          **INMATE WINFREY:** No, sir. Mostly me going out  
24 the street. I had a pager where people would call me if  
25 they wanted drugs and I would meet them.

1           **PRESIDING COMMISSIONER ANDERSON:** Okay. And, um,  
2 you -- you were middle man? You didn't cook drugs, did  
3 you?

4           **INMATE WINFREY:** No, sir. I was -- I would say  
5 middle man. I would buy.

6           **PRESIDING COMMISSIONER ANDERSON:** It takes a lot  
7 to cook some meth.

8           **INMATE WINFREY:** Yes, sir.

9           **PRESIDING COMMISSIONER ANDERSON:** A lot of work.

10          **INMATE WINFREY:** Yes, sir.

11          **PRESIDING COMMISSIONER ANDERSON:** So you'd buy  
12 the drugs and you'd sell them. And, uh, and you knew,  
13 uh, Sibet for a little while he was -- How often did he  
14 buy drugs from you?

15          **INMATE WINFREY:** Um, I would say in the beginning  
16 it was almost daily. We would have drug dealings and  
17 then um towards the end, the last couple of months  
18 before I murdered Mr. Sibet, it was -- it had stopped.  
19 We were having problems, we were arguing over money that  
20 he owed me -- I claimed he owed me.

21          **PRESIDING COMMISSIONER ANDERSON:** So you gave him  
22 drugs on installment plan?

23          **INMATE WINFREY:** Yes, on commission usually.

24          **PRESIDING COMMISSIONER ANDERSON:** Why would you  
25 do that? Did he sell for you, is that what it was?

1           **INMATE WINFREY:** Yes, uh, so yeah, I would give  
2 him drugs on commission and he would often come back  
3 short money, but it was enough to keep me resupplying  
4 myself for drugs and have some money to stay in motels.

5           **PRESIDING COMMISSIONER ANDERSON:** Okay. You know  
6 why he was doing this?

7           **INMATE WINFREY:** Um, I believe he was unsatisfied  
8 with his life to at that point and time. And --

9           **PRESIDING COMMISSIONER ANDERSON:** And he's using  
10 drugs and selling drugs for you and, um, and now -- and  
11 then -- so now on this day of the life crime, what were  
12 you doing that day?

13           **INMATE WINFREY:** Um, I was getting high, with, uh  
14 --

15           **PRESIDING COMMISSIONER ANDERSON:** How long had  
16 you been up?

17           **INMATE WINFREY:** I would just have to guess right  
18 now, but it had been days or weeks at the time.

19           **PRESIDING COMMISSIONER ANDERSON:** So you were  
20 down for a while.

21           **INMATE WINFREY:** Yeah.

22           **PRESIDING COMMISSIONER ANDERSON:** So now you're  
23 up, you're taking the drugs, what do they call that  
24 term? Tweaking?

25           **INMATE WINFREY:** Yes, sir.

1           **PRESIDING COMMISSIONER ANDERSON:** And, um, what  
2 happened? Did he come to you? And what happened in the  
3 scenario? Tell me what happened.

4           **INMATE WINFREY:** Um, I was at an acquaintance of  
5 a lady named Lisa, um, that day and we were using drugs.

6           **PRESIDING COMMISSIONER ANDERSON:** You and Lisa?

7           **INMATE WINFREY:** Yes, me and Lisa.

8           **PRESIDING COMMISSIONER ANDERSON:** Okay.

9           **INMATE WINFREY:** And Shay had, uh, given his car  
10 to another drug addict, I don't know his name, but I had  
11 seen him around. And he - we had a mutual acquaintance  
12 named Macey and she was having a baby, she was pregnant,  
13 and Lisa was a nurse, a registered nurse.

14           **PRESIDING COMMISSIONER ANDERSON:** Okay.

15           **INMATE WINFREY:** In the past. She wasn't working  
16 at that time, but Shay had sent this, uh, guy over to  
17 tell Lisa to come to this Motel 6, where Macey was  
18 staying and help deliver the baby because Macey was  
19 doing drugs too.

20           **PRESIDING COMMISSIONER ANDERSON:** I didn't know  
21 it was a Motel 6, but I just guessed.

22           **INMATE WINFREY:** Yeah.

23           **PRESIDING COMMISSIONER ANDERSON:** I don't know  
24 why I did that, but anyway go ahead sir.

25           **INMATE WINFREY:** And, um, so the guy came to

1 persuade Lisa to go, and I told her no she shouldn't go,  
2 um, Macey was doing drugs the baby should be delivered  
3 in a hospital. It was going to have complications and  
4 she didn't want to be involved if the baby had died.  
5 She shouldn't get involved. Um, then I asked her to go  
6 next door and page my friend Ronny to come pick me up,  
7 which she did.

8                   **PRESIDING COMMISSIONER ANDERSON:** Okay.

9                   **INMATE WINFREY:** Um, I had been looking for Shay  
10 at that time to try to confront him about the money he  
11 owed me, and when Ronny came and picked me up I told him  
12 I found out where Shay was staying. Um, because I  
13 presumed that he was staying at the Motel 6.

14                   **PRESIDING COMMISSIONER ANDERSON:** Okay.

15                   **INMATE WINFREY:** At that point, uh, Ronny and I  
16 went back to the motel room he was staying in, and we  
17 did drugs. And I told him I'm going to confront Shay  
18 about the money he owes me. If he don't pay me I'm  
19 going to hurt him. And, uh --

20                   **PRESIDING COMMISSIONER ANDERSON:** Had you ever  
21 threatened Shay before that day?

22                   **INMATE WINFREY:** We had been in arguments and I  
23 had threatened him, yes.

24                   **PRESIDING COMMISSIONER ANDERSON:** Okay.

25                   **INMATE WINFREY:** And, uh, so I -- He dropped me

1 off at the Motel 6, um, about midafternoon. I went and  
2 knocked on the door of the room I thought he might be  
3 staying in and he wasn't there.

4 **PRESIDING COMMISSIONER ANDERSON:** Okay.

5 **INMATE WINFREY:** So I hung around for about half  
6 an hour and he never showed up so I left. I walked to  
7 my friend Matt's house that lived about a mile and a  
8 half away, and I repeated the same act with him. I told  
9 him I knew where Shay was staying, uh, we did some  
10 drugs, and I told him I was going to confront Shay. And  
11 he dropped me off too, at the Motel 6 about four hours  
12 later. I did the same thing. I went and knocked on the  
13 door, no one answered. He wasn't there. So I hung out,  
14 um, in the riverbed that runs right next to the Motel 6  
15 for a little while. Um, I had my dog with me that went  
16 with me everywhere.

17 **PRESIDING COMMISSIONER ANDERSON:** What kind of  
18 dog was it?

19 **INMATE WINFREY:** It was a boxer.

20 **PRESIDING COMMISSIONER ANDERSON:** Okay.

21 **INMATE WINFREY:** And, um, his name was Bugsy.

22 **PRESIDING COMMISSIONER ANDERSON:** The reason I  
23 want to know what kind of dog it was, was because he was  
24 there. I was looking at the size of the dog, that's  
25 all.

1           **INMATE WINFREY:** Um, he was still a puppy, and he  
2 was very friendly. You know, and, um, I was under a  
3 bridge and I was hanging out just stalking Shay. And I  
4 went back to the motel a little bit later, and I saw him  
5 pull into the parking lot with a girl he was with. And  
6 they went up to the room. I waited about ten minutes,  
7 and I approached the room, knocked on the door, and, uh,  
8 the girl came to the window.

9           **PRESIDING COMMISSIONER ANDERSON:** Were you armed  
10 at that time?

11           **INMATE WINFREY:** Yes, sir. I had a, uh, 38 Smith  
12 and Wesson on me. Um --

13           **PRESIDING COMMISSIONER ANDERSON:** Six -- Six shot  
14 revolver?

15           **INMATE WINFREY:** Six shot revolver.

16           **PRESIDING COMMISSIONER ANDERSON:** Okay.

17           **INMATE WINFREY:** It was fully loaded. Um, I  
18 knocked on the door, um, Heather, the girl, looked out  
19 the window and she saw it was me. Um, she knew who I  
20 was from previous encounters with Shay. She had been  
21 running around with him for about a month.

22           **PRESIDING COMMISSIONER ANDERSON:** Okay.

23           **INMATE WINFREY:** And, uh, she said wait a minute.  
24 I could tell, um, he was probably in the shower because  
25 the windows were starting to get fogged up. And, uh, he

1 came to the door a couple minutes later, opened the  
2 door, and he was just wearing a pair of, uh, Levi's  
3 shorts. And immediately I started to verbally abuse  
4 him, ask him for my money, tell him, where's my money?

5 **PRESIDING COMMISSIONER ANDERSON:** How much money  
6 did he owe you?

7 **INMATE WINFREY:** Uh, 1500 dollars at that time.

8 **PRESIDING COMMISSIONER ANDERSON:** Okay.

9 **INMATE WINFREY:** And, uh, I started telling him I  
10 want my money or I would shoot him.

11 **PRESIDING COMMISSIONER ANDERSON:** Did he have the  
12 money?

13 **INMATE WINFREY:** No, and he told me he wasn't  
14 going to pay me anything. We began to argue about it  
15 and I told him I would shoot him.

16 **PRESIDING COMMISSIONER ANDERSON:** And what did he  
17 say when you said, I'm going to shoot you if you don't  
18 give me my money?

19 **INMATE WINFREY:** He told I wasn't going to do  
20 anything. And I put my hand in my pocket where my gun  
21 was and I know he knew I had a gun on me cause he had  
22 seen me with a gun many times.

23 **PRESIDING COMMISSIONER ANDERSON:** How'd you feel  
24 when he told you, I am not going to pay you anything?

25 **INMATE WINFREY:** I was -- I was very angry at

1 that time.

2           **PRESIDING COMMISSIONER ANDERSON:** Okay.

3           **INMATE WINFREY:** I was very angry, um --

4           **PRESIDING COMMISSIONER ANDERSON:** So now, and he  
5 knew you had a gun, you put your hand in your pocket.  
6 What did he do?

7           **INMATE WINFREY:** Um, I'm sure he was taking the  
8 threat serious, and he grabbed me at that point. He  
9 figured I would pull my hand out and shoot him.

10          **PRESIDING COMMISSIONER ANDERSON:** So he came at  
11 you and grabbed you?

12          **INMATE WINFREY:** Yeah, we were standing very  
13 close to each other. He just put his hands out and  
14 grabbed me at that time.

15          **PRESIDING COMMISSIONER ANDERSON:** And what did  
16 you do?

17          **INMATE WINFREY:** And, um, when he grabbed me I  
18 became enraged, and I fired the gun through my pocket  
19 three times. And we, uh, began to fall. I shot --

20          **PRESIDING COMMISSIONER ANDERSON:** Right into his  
21 body? Body area?

22          **INMATE WINFREY:** Yeah, I shot him in the stomach.  
23 Um, as we began to fall I pulled the gun out of my  
24 pocket and shot him once in the back. Um, the way we  
25 landed I was able to get out from under him and stand

1 right back up. And he was laying on the ground and he  
2 said my name, and I shot him twice more in the face at  
3 that point.

4                   **PRESIDING COMMISSIONER ANDERSON:** So why'd you  
5 (inaudible)

6                   **INMATE WINFREY:** Excuse me?

7                   **PRESIDING COMMISSIONER ANDERSON:** He was still  
8 alive. Why didn't you fire those two more rounds into  
9 his body? Because if you fire into his head you're going  
10 to kill him.

11                  **INMATE WINFREY:** Yes, sir. At that point I  
12 wanted to kill him.

13                  **PRESIDING COMMISSIONER ANDERSON:** Why did you  
14 want to kill him?

15                  **INMATE WINFREY:** I was very angry at him. Um, I  
16 understand now that I was projecting a lot of my anger  
17 and frustration with life on to Mr. Sibet in that  
18 moment. Um, at that time all I could do was -- all I  
19 wanted -- all I knew is that I wanted to kill him at  
20 that time. And, uh, he was still talking and he said my  
21 name and I was very angry.

22                  **PRESIDING COMMISSIONER ANDERSON:** How did you  
23 feel about him saying your name?

24                  **INMATE WINFREY:** It enraged me even more.

25                  **PRESIDING COMMISSIONER ANDERSON:** What he say, he

1 says, uh, did he say Thomas you can stop now? Something  
2 like that?

3           **INMATE WINFREY:** I remember him saying Thomas.  
4 Um, I don't recall him saying, you can stop now. I know  
5 that's in the, um, police report or somewhere like the  
6 witness observed, but I do remember him saying Thomas.  
7 And that's when I began to fire again.

8           **PRESIDING COMMISSIONER ANDERSON:** Okay. And  
9 after you shot those final two rounds, where did you go?

10          **INMATE WINFREY:** Um, I started to walk away and  
11 then I remember my dog Bugsy was there, like after I got  
12 five steps away and I turned around to see where he was  
13 at. And he was standing there looking at Shay, Mr.  
14 Sibet, um, because he knew him. He knew him pretty  
15 well. Um, and he was scared, I could see he was very  
16 scared, and I called him. And he wouldn't come to me,  
17 so I turned back around and I took off, and I ran. And  
18 I ran about a block and a half and I started looking for  
19 a place to hide and I threw the gun under an overpass.  
20 And I ended up jumping on the back of a semi-truck, and  
21 the semi-truck started up about an hour, an hour and a  
22 half later. And I rode it past Palm Springs, uh, to a  
23 truck stop called the Flying Jays. And I got off there.

24          **PRESIDING COMMISSIONER ANDERSON:** That just -  
25 that's rather blithe. You way out there?

1           **INMATE WINFREY:** Yes.

2           **PRESIDING COMMISSIONER ANDERSON:** Wow, that's a  
3 long ways from Downey.

4           **INMATE WINFREY:** Yes, it was.

5           **PRESIDING COMMISSIONER ANDERSON:** What did you do  
6 when you got out there, it's nothing out there?

7           **INMATE WINFREY:** I cleaned up in the restrooms at  
8 the truck stop, because I had a lot of grease on me and  
9 stuff from the truck. And I began walking, and I walked  
10 down I-10 to the next city I think it was Cathedral  
11 City.

12           **PRESIDING COMMISSIONER ANDERSON:** Yeah.

13           **INMATE WINFREY:** And I hung out there for a day  
14 next to, uh, some railroad tracks they had running by  
15 the freeway. And the next day I began to hitchhike and  
16 it took me four or five days to get back to Los Angeles,  
17 hitchhiking from that point.

18           **PRESIDING COMMISSIONER ANDERSON:** Yeah it's, um,  
19 about 85 miles. It's like 85 miles, took you 4 days?

20           **INMATE WINFREY:** Yeah.

21           **PRESIDING COMMISSIONER ANDERSON:** Okay. So now  
22 you get back to Los Angeles, then what happens?

23           **INMATE WINFREY:** Um --

24           **PRESIDING COMMISSIONER ANDERSON:** Los Angeles  
25 area that is.

1           **INMATE WINFREY:** Yeah. Immediately I started,  
2 um, to go for, you know, to get my belongings from my  
3 house. Then, uh, my mom told me the cops were looking  
4 for me, what had I done? She knew something was going on  
5 cause they sent a warrant to the house through the mail.  
6 And, um, I told her I think I, uh, killed Shay I wasn't  
7 sure at that point. I told her I think I killed a man.

8           **PRESIDING COMMISSIONER ANDERSON:** What did she  
9 tell you to do?

10           **INMATE WINFREY:** She told me to turn myself in,  
11 but I ignored her and I gathered some of my belongings  
12 that I had kept at her house.

13           **PRESIDING COMMISSIONER ANDERSON:** Okay.

14           **INMATE WINFREY:** And, uh, I went and found, uh,  
15 Matt, the guy who took me to, uh, last guy I last saw  
16 before I murdered Shay, that dropped me off. And, uh,  
17 he was aware of what happened and him and his girlfriend  
18 at the time named Tina, uh, she was pregnant also. They  
19 decided they were going to Arizona to leave town. They  
20 wanted to get away, start a new life. Um, I believe I  
21 had scared them at that point. Um, woken them up to the  
22 reality of what they were doing. Of the drugs they were  
23 using. And so I debated whether going to Arizona with  
24 them, but I could see Tina was really uncomfortable with  
25 that idea so I decided to stick around town and I called

1 my friend Ronny and, um, I hung out with him for about a  
2 month before I was arrested with this case.

3 **PRESIDING COMMISSIONER ANDERSON:** So the police  
4 eventually caught up with you and arrested you for this  
5 crime.

6 **INMATE WINFREY:** Yes, sir.

7 **PRESIDING COMMISSIONER ANDERSON:** And held you to  
8 answer them. Um, did you take a plea or did you get a  
9 conviction?

10 **INMATE WINFREY:** Uh, I was convicted at trial.

11 **PRESIDING COMMISSIONER ANDERSON:** Yeah of second  
12 degree murder.

13 **INMATE WINFREY:** Yes, sir.

14 **PRESIDING COMMISSIONER ANDERSON:** But your  
15 sentence is, um, I read it off of legal transcript it  
16 says 25 years to life.

17 **INMATE WINFREY:** Yeah, it was 15 to life for the  
18 second-degree murder and ten years gun enhancement.

19 **PRESIDING COMMISSIONER ANDERSON:** Okay, got it.  
20 Okay, do you think your sentence to life was fair?

21 **INMATE WINFREY:** Yes, I do.

22 **PRESIDING COMMISSIONER ANDERSON:** Why is it fair?

23 **INMATE WINFREY:** Um, I didn't have a right to  
24 take Mr. Sibet's life.

25 **PRESIDING COMMISSIONER ANDERSON:** Okay. So let's

1 do a little recap. Selling drugs, Shay Sibet was an  
2 acquaintance and a customer that owed you money.  
3 Eventually you confronted him about the money that he  
4 owed you. Arguing ensued, you take out the weapon, the  
5 38-caliber hand gun because of your anger and -- and  
6 also you had been up for a few days. You were taking  
7 drugs, so that means you were under the influence. The  
8 meth. You confronted him arguing ensued eventually you,  
9 uh, shot him multiple times, and because you intended to  
10 kill him. The reason for killing him is two folded that  
11 anger and, um, he owed you money.

12           **INMATE WINFREY:** Yes, sir.

13           **PRESIDING COMMISSIONER ANDERSON:** And so that  
14 (inaudible) made into that confrontation there in that  
15 motel doorway, that resulted in his death. And you  
16 stood over him and shot two more times after you shot  
17 him three times because you wanted to kill him.

18           **INMATE WINFREY:** Yes, sir.

19           **PRESIDING COMMISSIONER ANDERSON:** Okay. Now you  
20 made a statement in your brief there. That killing him  
21 saved your life. What did you mean by that?

22           **INMATE WINFREY:** I don't think killing him saved  
23 my life. I think me coming to prison saved my life.

24           **PRESIDING COMMISSIONER ANDERSON:** Okay.

25           **INMATE WINFREY:** Uh, I'm very sorry that Mr.

1 Sibet lost his life, that I murdered him. Um, I wish I  
2 could take that back every day now, but I know the road  
3 that I was headed on at that time in my life, um, I more  
4 than likely would have ended up dead soon.

5 **PRESIDING COMMISSIONER ANDERSON:** You would have  
6 wind up dead because of your lifestyle?

7 **INMATE WINFREY:** Yes, sir and the choices I was  
8 making at that time.

9 **PRESIDING COMMISSIONER ANDERSON:** How have you  
10 expressed remorse? What have you done?

11 **INMATE WINFREY:** Well, um, directly I've written  
12 Shay's sister, Jillian, uh, a couple of remorse letters.  
13 Um, offered to have a dialog with her, um, she  
14 communicated that, um, his fiancé Jolene at the time --  
15 Oh, Melanie, excuse me, Melanie wanted a letter from me.  
16 I also wrote her, uh, a letter expressing my remorse and  
17 offering the same offer of I would answer any questions  
18 they had, if they wanted to do that. Um --

19 **PRESIDING COMMISSIONER ANDERSON:** Did they ever  
20 take advantage of that?

21 **INMATE WINFREY:** No, they have not, sir. Um --  
22 also today I work with, uh, people in here. Um, whether  
23 it's at risk youth or the Squire's program to help them  
24 change their lives so they don't make decisions like I  
25 made. Um, that's a huge thing to me to be able to help

1 the kids do that. Um, and I volunteer and facilitate  
2 groups in here to help other guys realize, um, the  
3 effects of their actions on their community. Um --

4 **PRESIDING COMMISSIONER ANDERSON:** What did your  
5 mother -- what did your mother say to you when you came  
6 to prison for shooting a man to death?

7 **INMATE WINFREY:** My mother, uh, has shown me  
8 unconditional love all my life and I've taken advantage  
9 of that. Um, earlier in my life and she was very upset  
10 that I came to prison and she expressed that to me. Um,  
11 she didn't raise me that way she told me. And she  
12 didn't.

13 **PRESIDING COMMISSIONER ANDERSON:** I don't know  
14 your mother, but I know she didn't. That's why mothers  
15 are the most important people in our lives. Mr. Remis,  
16 do you have questions at this time?

17 **DEPUTY COMMISSIONER REMIS:** Yes, Good morning.

18 **INMATE WINFREY:** Good morning.

19 **DEPUTY COMMISSIONER REMIS:** How are you doing so  
20 far?

21 **INMATE WINFREY:** I'm okay.

22 **DEPUTY COMMISSIONER REMIS:** So you realize, uh,  
23 Shay Sibet had been shorting you for a while?

24 **INMATE WINFREY:** Yes, sir.

25 **DEPUTY COMMISSIONER REMIS:** And, you found out

1 where he was staying. You had your gun with you. You  
2 went to confront him. You argued with him. You weren't  
3 satisfied with his answers to your questions and you  
4 said you were angry.

5           **INMATE WINFREY:** Yes, sir.

6           **DEPUTY COMMISSIONER REMIS:** Um, well it's been a  
7 number of years. Um, why did he have to die, I mean why  
8 did you have to shoot him in the face two times after  
9 all those other shots?

10           **INMATE WINFREY:** He didn't have to die, he didn't  
11 deserve it.

12           **DEPUTY COMMISSIONER REMIS:** Well, but at the time  
13 what did you think were the other parts at that point? I  
14 mean yeah, looking back we know that.

15           **INMATE WINFREY:** Yeah.

16           **DEPUTY COMMISSIONER REMIS:** But at the time what  
17 else was going on that led to that decision that he had  
18 to die?

19           **INMATE WINFREY:** Looking back I understand now  
20 that I was feeling powerless for a long time in my life.  
21 Um, and I was continuing to take -- make horrible  
22 decisions, um, and stuff those feelings, uh, and not  
23 deal with my emotions in a healthy and positive way.  
24 Um, and I think at that moment I really, um, felt a  
25 combination of anger and powerlessness in my life, and

1 unhappiness that I had been feeling for a long time that  
2 I was trying to deal with drugs -- uh, deal with that  
3 with doing drugs. And it -- those drugs were just  
4 tearing me apart. And I wasn't thinking at that moment.  
5 I didn't understand any of that. Um, I was just angry  
6 that's all I could see and, uh, I exploded in a fit of  
7 rage.

8           **DEPUTY COMMISSIONER REMIS:** So at that time in  
9 your life, um, had you shot other people? Uh, had you  
10 assaulted other people? What kind of person were you?

11           **INMATE WINFREY:** Uh, no, sir. I was never really  
12 a violent person, um.

13           **DEPUTY COMMISSIONER REMIS:** Well, how long had  
14 you been carrying a gun?

15           **INMATE WINFREY:** I've been carrying a gun for  
16 probably about a year at that point. Maybe a little bit  
17 longer.

18           **DEPUTY COMMISSIONER REMIS:** And what was the  
19 purpose of your carrying a gun?

20           **INMATE WINFREY:** Um, I was a drug dealer and I  
21 felt like I needed to protect myself. That's what I  
22 told myself. Um --

23           **DEPUTY COMMISSIONER REMIS:** I've met a lot of  
24 drug dealers here in these rooms and many of them don't  
25 carry guns, why did you feel -- what were the

1 circumstances or life experiences, or messages in your  
2 head that led to your decision to carry a gun?

3           **INMATE WINFREY:** Uh, at that point -- at that age  
4 I had seen people murdered. Um, I had friends that I  
5 grew up with that were murdered on the streets. I've  
6 seen people shot, um, and I was leery or scared of that  
7 happening to me. Um, it was one of the worst decisions  
8 I realize now. Like to ever pick up a gun, in my life,  
9 that was one of the worst decisions I ever made, but at  
10 that time I felt like I was portraying an image also of  
11 what a drug dealer should be. Um, and I had adopted,  
12 um, that Melrow (phonetic) belief system is what we call  
13 it in here, what I've learned through some of the  
14 groups, of being tough, and showing the world that I was  
15 tough and I wasn't going to take nothing, and I had a  
16 gun to protect me to prove that.

17           **DEPUTY COMMISSIONER REMIS:** Now, before you had  
18 said you had brandished a gun before?

19           **INMATE WINFREY:** Yeah, I had brandished a, um, it  
20 was a BB gun that looked like a real firearm.

21           **DEPUTY COMMISSIONER REMIS:** So this wasn't your  
22 first weapon that you used, besides what you used to  
23 kill the victim here?

24           **INMATE WINFREY:** No, I had definitely brandished  
25 that firearm before.

1           **DEPUTY COMMISSIONER REMIS:** So, uh, how did you  
2 get these weapons that you used?

3           **INMATE WINFREY:** Um, the firearm, the Smith and  
4 Wesson 38 that I murdered Mr. Shay with -- Mr. Sibet  
5 with, excuse me, um, I purchased from another drug  
6 dealer I knew, uh, as -- by the name of Oso. I met him  
7 on the streets and I would buy drugs from him sometimes.  
8 And I traded him a Sony PlayStation for it, that I had  
9 purchased with methamphetamines.

10          **DEPUTY COMMISSIONER REMIS:** So you said that, um,  
11 the victim had been shorting you for a while, that you  
12 had noticed this. What was it about this day, or this  
13 time period that caused you to decide to confront him,  
14 uh, with such determination?

15          **INMATE WINFREY:** Yeah, um, so I was introduced to  
16 Mr. Sibet through my, uh, acquaintance at the time, uh,  
17 Mr., uh, Ronny, he went to prison -- and Ronny went to  
18 prison and I continued to sell drugs to him. He was one  
19 of Ronny's customers. And I formed a, uh, relationship  
20 with him where I would give him drugs, he would sell  
21 them and come back and pay me money. And we did this  
22 many many times. Um, he would -- in the beginning he  
23 would pay me all the money, but after a month or two of  
24 this relationship he started to come back 50 dollars  
25 short, 100 dollars short, and he told me I would -- he

1 would make it up, um, the next time. And this debt  
2 became -- I kept a tally and it worked itself up to  
3 1500 dollars about the time Ronny got out of prison.  
4 And Ronny was an older guy that I looked up to and he  
5 was very angry with me because the whole time he was in  
6 prison on a violation he, uh, I didn't send him any  
7 money and he knew I was selling drugs to Shay, which he  
8 considered his customer. And so Ronny and I started to  
9 have conflict and I started to blame Shay for that  
10 conflict. And, uh, blame him for the problems I was  
11 having with Ronny who I considered to be a friend. Um,  
12 and that's why the last few months I started to really,  
13 um, try to like force him to pay me and arguing with  
14 him, and elevate the tension between us.

15                   **DEPUTY COMMISSIONER REMIS:** So you were directing  
16 the problem you were having with Ronny to Shay even  
17 though it was -- you could have talked to Ronny about  
18 it?

19                   **INMATE WINFREY:** Oh, definitely I could have, um,  
20 but at that age in my life and being always high I was  
21 not really, um, thinking about my life. All I knew was  
22 that I felt anger towards Shay that he wasn't paying me  
23 and I started to blame him. It was -- I realize now it  
24 was a lot of the faulty thinking and addictive thinking  
25 I was experiencing at the time that led to that

1 conclusion on my part.

2           **DEPUTY COMMISSIONER REMIS:** Since you had been  
3 continuing to supply drugs to the victim you could have  
4 cut him off I suppose?

5           **INMATE WINFREY:** I did the last, um, two months.  
6 I didn't sell him any more drugs.

7           **DEPUTY COMMISSIONER REMIS:** Was that part of the  
8 reason why the victim said he wasn't paying you  
9 anything?

10          **INMATE WINFREY:** Um, it's hard for me to know  
11 what Mr. Sibet was thinking, but I'm sure it  
12 contributed, uh, to him saying that he wasn't going to  
13 pay me. Feeling like he didn't owe me a debt, um,  
14 because we did sell a lot of drugs together.

15          **DEPUTY COMMISSIONER REMIS:** Is this the first  
16 time in a while you had confronted the victim about the  
17 debt or was this a continual thing?

18          **INMATE WINFREY:** Um, it was probably the first  
19 time with in like a month's time. That I finally saw  
20 him and knew where he was at because I didn't know his  
21 whereabouts. Um, because he was a transient like myself  
22 at the time and he stayed in motel from motel. Um, so  
23 yeah, he -- we didn't talk at that point, the last two  
24 months of Mr. Sibet's life we had stopped communicating.

25          **DEPUTY COMMISSIONER REMIS:** Um, at the time of

1 this, um, altercation with the victim or subsequent to  
2 that, did you have any thoughts that part of this was  
3 really self-defense because Shay was fighting with you?

4           **INMATE WINFREY:** Uh, at the time for a long time  
5 I blamed Mr. Sibet, um, in my words then, I felt like he  
6 made me kill him, um, it was really me being in denial  
7 about my actions, and justifying my actions. And my  
8 attempt to, uh, minimize my early behavior and blame --  
9 blame it on him.

10           **DEPUTY COMMISSIONER REMIS:** So at some point did  
11 that change your thoughts about that?

12           **INMATE WINFREY:** Yeah, about ten years ago when I  
13 was in California Men's Colony, um, I got really sick.  
14 I became diabetic and it was the first time in my life I  
15 questioned my mortality and really thought about life.  
16 And I became very aware that, um, I had a choice in  
17 life. I had choices in life that I didn't take and, um,  
18 I chose to take Mr. Sibet's life. And I thought about  
19 that and really came to the realization I didn't have a  
20 right to do that. And, um, I thought about what his mom  
21 must be feeling, his sister. I knew I affected a lot of  
22 people. My parents, and my brothers, and my nephews and  
23 nieces I've never met face to face. I thought about all  
24 the harm I had done in my life and that was a real  
25 awakening for me to come to terms with what I did.

1           **DEPUTY COMMISSIONER REMIS:** So do you think that  
2 was a turning point? Was that 2006 or about what year do  
3 you think that was?

4           **INMATE WINFREY:** Um, like 2006 beginning of 2007.

5           **DEPUTY COMMISSIONER REMIS:** And then we're not  
6 quite there, but how would you characterize the prior  
7 eight or ten years prison before that contrasting, um,  
8 your mindset and how you felt about the crime?

9           **INMATE WINFREY:** Yeah, um, about the crime I felt  
10 like, um, I put a lot of blame on Mr. Sibet. Um, for  
11 the fact that he owed me money, that we were drug  
12 dealers, we were in that lifestyle he knew what was  
13 coming to him. I projected a lot of blame on him for  
14 the crime. Um, I would say at that time I had no  
15 remorse. And from day to day, on a day to day basis I  
16 felt like, um, I felt a lot about survival in the prison  
17 environment I was incarcerated in. And I then I gave  
18 little thought to the effect I was having on the world.

19           **DEPUTY COMMISSIONER REMIS:** Okay, thank you.  
20 That's all I had.

21           **PRESIDING COMMISSIONER ANDERSON:** Let's start  
22 post-conviction factors. Everybody doing okay? Anybody  
23 need a break? Okay we'll continue.

24           **DEPUTY COMMISSIONER REMIS:** Okay. Segueing into  
25 post-conviction, well it's been half your life?

1           **INMATE WINFREY:** Yes, sir.

2           **DEPUTY COMMISSIONER REMIS:** Pretty close.

3 There's a lot that's gone on and, uh, we got a lot of  
4 paperwork, a lot of records and ground to cover, but,  
5 um, talking about, um, your thinking. So I'm looking at  
6 a document here on -- in 2011, it's, um, a third level  
7 appeal denying your appeal level 115.

8           **INMATE WINFREY:** Yes.

9           **DEPUTY COMMISSIONER REMIS:** When you got that  
10 tell me what you're thinking?

11           **INMATE WINFREY:** Um, I got written up for  
12 alterations of a state toilet flush o'meter. My  
13 thinking at the time was that even though I was guilty,  
14 I was definitely guilty of that, um, that I could  
15 outsmart -- like I put together a legal defense, which I  
16 thought was, um, very intelligent that -- they had  
17 written me up for the wrong thing that I never actually  
18 actually altered the toilet, but paid someone to alter  
19 the toilet and I didn't have access to it. So I thought  
20 it was a way for me to get -- get away with my behavior.  
21 I was rationalizing my behavior and justifying my  
22 actions still. Um, I understand now when I've really  
23 looked at my addiction. I was in the mist of, uh,  
24 addictive thinking. That's the hallmarks even though I  
25 had not been using drugs at the time. I was still

1 thinking like an addict. I was still trying to justify  
2 my behaviors and rationalize my behaviors. And, you  
3 know really looking at my addiction has helped me  
4 understand what I was doing at that time. Why I was  
5 making the decisions I was making.

6                   **DEPUTY COMMISSIONER REMIS:** Look at that a little  
7 closer I think that's good. I mean we're trying to  
8 figure out what you were thinking the process to see how  
9 you've changed. So, um, going back to, um, 2010 what  
10 was the, um, unmeritorious behavior you were trying to  
11 cover up in this whole panorama of activity, thinking  
12 and what was going on in this toilet that you were --  
13 had to alter the flushing mechanism that was designed  
14 for certain security purposes? Was there contraband  
15 there? What was going on in the toilet?

16                   **INMATE WINFREY:** Um, it was really a sense of  
17 entitlement. I didn't want to sit in a cell. My  
18 thinking at that time is that I didn't want to sit in  
19 the cell, um, while my celly was using the toilet and  
20 only have him flush twice in a five-minute period. Um,  
21 it was a big change in my environment at that time when  
22 they installed the toilet flushers because before then  
23 we had unlimited access to flush the toilet, and it was  
24 -- my sense of entitlement at the time. I thought I  
25 could break a rule and it didn't matter because it

1 wasn't right in my mind.

2           **DEPUTY COMMISSIONER REMIS:** So you're judging the  
3 rules, uh, at this point and you're determining which  
4 ones, um, you're in charge of and which ones you're  
5 going to follow.

6           **INMATE WINFREY:** Definitely, it was my sense of  
7 entitlement at that time. That I thought you know if a  
8 rule, um -- I didn't understand the larger context. I  
9 was unwilling to look at the larger context of why rules  
10 were made. Um, how they effected everybody, you know I  
11 was still very selfish in my addictive thinking at that  
12 point. To think that, you know if effected my life I  
13 should be able to make decisions based on it and that,  
14 um, if I felt something was stupid in my mind, then why  
15 should I follow it? Um, that was definitely, um, a  
16 period when I was thinking like that still.

17           **PRESIDING COMMISSIONER ANDERSON:** When did you  
18 stop thinking like that?

19           **INMATE WINFREY:** I think when I got here and  
20 started to get educated. And start to see, uh, a larger  
21 context to the world and understand that, you know, I  
22 don't have to agree with every rule, um, in life, but  
23 they're there for reasons to effect everybody, not just  
24 me. Um, a lot of these self-help programs have made me  
25 see how my actions have affected other individuals in

1 life. And, uh, how the world doesn't revolve around me  
2 and one of the big, uh, helps was when I worked for a  
3 prison university project, um, because I had a lot of  
4 responsibility at that time as far as passing out  
5 supplies, entering people's grades in the system, um,  
6 and I began to see how people would talk to me and ask  
7 me to do them favors. Um, if they wanted more supplies  
8 or, um, even if they wanted a grade change in. I was  
9 unwilling to do that because I seen the larger context  
10 how it affected everybody and it also helped me to  
11 understand like how my behavior even though I didn't  
12 agree with something could affect someone else down the  
13 road. Um, like for example the toilet flusher thing, I  
14 know those vials were put on because of the sewage waste  
15 that was coming out of the prisons affecting people in  
16 that community in San Luis Obispo, and that was a big  
17 reason those things were installed. It had nothing to  
18 do with me personally why that was installed. It wasn't  
19 done to punish me, you know, but I couldn't see that at  
20 that time. I refused to see that at that time.

21                   **DEPUTY COMMISSIONER REMIS:** I remember having a  
22 secretary in the legal office and wondered what she was  
23 doing with her time and had thoughts about why she  
24 wasn't doing more to help me with my job and at times I  
25 realized she was pretty smart. When she -- there was

1 something she wanted to apply herself to. So I said to  
2 her one time, I said if only you would apply that to  
3 good instead of evil. (inaudible) but anyway so I just  
4 thought of that. About the toilet. Um, okay so that's  
5 really it. Um, there's all these choice points in our  
6 life where we get to make decisions and sometimes we're  
7 kind of unconscious about the impact, but you were  
8 selling drugs and you knew it was wrong.

9           **INMATE WINFREY:** Yes.

10           **DEPUTY COMMISSIONER REMIS:** And you carried a gun  
11 and you knew -- with bullets in it.

12           **INMATE WINFREY:** Yes, sir.

13           **DEPUTY COMMISSIONER REMIS:** And you threatened  
14 people and you knew they would not necessarily comply.

15           **INMATE WINFREY:** Yes, sir.

16           **DEPUTY COMMISSIONER REMIS:** So you were willing  
17 to follow up on your threats.

18           **INMATE WINFREY:** Yes, sir.

19           **DEPUTY COMMISSIONER REMIS:** And someone died.  
20 Okay, well let's reel it back. So this is your initial  
21 hearing and it's um, advanced a bit because you're a  
22 youthful offender.

23           **INMATE WINFREY:** Yes, sir.

24           **DEPUTY COMMISSIONER REMIS:** Because you're, uh, -  
25 - you were 19 and the laws changed and your youthful

1 offender eligibility date is, uh, October 15, 2016. So,  
2 um, here we are. And, um, we considered the youthful  
3 factors and all the things you told us and we also  
4 consider all the suitability factors. And, um, the  
5 evidence, and the file, and what you've done the whole  
6 time. We have to weigh it all. So, uh, you've  
7 accomplished things and we're going to look at what you  
8 said. About coming in and affiliating with the  
9 Peckerwoods, with white group, whatever it was.

10 **INMATE WINFREY:** Mhmm.

11 **DEPUTY COMMISSIONER REMIS:** The things that you  
12 did and, uh, when you changed your thinking, when you  
13 decided, uh, to individuate and take more responsibility  
14 for your actions and your thinking and, uh, see how it  
15 goes. So, um, you started going to school and you've  
16 accomplished, uh, looks like about three different  
17 degrees, is that right?

18 **INMATE WINFREY:** Yes, sir.

19 **DEPUTY COMMISSIONER REMIS:** Okay, well that's  
20 very good. That's very constructive. So, uh, you had,  
21 uh, completed high school.

22 **INMATE WINFREY:** Yes, sir.

23 **DEPUTY COMMISSIONER REMIS:** And, um, you've got  
24 2013 in AA and social behavior of science. You've got  
25 an associate of arts degree at Patton University. And

1 also, uh, let's see, a certificate in computer coding.  
2 You've got an AA in general business from Coastline. Is  
3 that --

4           **INMATE WINFREY:** Yes, sir.

5           **DEPUTY COMMISSIONER REMIS:** -- that's the  
6 educational part. Vocations you've got a number of  
7 different, uh, certifications in welding, and let's see,  
8 you had a few others. Sheet metal, a good level four,  
9 NCCER Contren learning series and you also had, uh, your  
10 court curriculum as well from 2007. Um, you left your  
11 welding and then you have also an update, um, uh,  
12 respiratory protection and maintenance. Uh, is there  
13 any other vocational certificates you have that are  
14 significant?

15           **INMATE WINFREY:** No, sir. That just about covers  
16 it.

17           **DEPUTY COMMISSIONER REMIS:** So, um, what kind of  
18 work do you think you would do? Would you be using those  
19 kinds of skills in work do you think?

20           **INMATE WINFREY:** Definitely, I would, uh, fall  
21 back on the welding if that was where I was left with,  
22 but I plan to pursue a career in coding, computer  
23 programming and software development.

24           **DEPUTY COMMISSIONER REMIS:** Are you currently in  
25 some kind of computer CTE course?

1           **INMATE WINFREY:** Yeah, uh, I'm in, uh, CTE CODE  
2 737 O. And, uh, I'm in a design class and advanced  
3 coding class.

4           **DEPUTY COMMISSIONER REMIS:** Okay, let's see, uh,  
5 you're there, uh, Monday through Thursday, seven to  
6 eleven, 11:30 to Three, among your other activities.  
7 And, um, so how much longer do you think you're going to  
8 be doing that before you complete that?

9           **INMATE WINFREY:** Um, we should graduate in March  
10 of this year.

11           **DEPUTY COMMISSIONER REMIS:** (Inaudible)

12           **INMATE WINFREY:** Yeah.

13           **DEPUTY COMMISSIONER REMIS:** What's your next step  
14 after that?

15           **INMATE WINFREY:** I plan to pursue, uh, to get  
16 into the joint venture. They have a joint venture  
17 coding, uh --

18           **DEPUTY COMMISSIONER REMIS:** So you'll then be  
19 earning some kind of wage, pretty good wage then?

20           **INMATE WINFREY:** Yeah.

21           **DEPUTY COMMISSIONER REMIS:** You're shaking your  
22 head yes.

23           **INMATE WINFREY:** Yeah, they earn about 16.80 an  
24 hour, I think.

25           **DEPUTY COMMISSIONER REMIS:** All right, very good.

1 At the beginning of the joint venture program, I'm very  
2 familiar with that. It's a great opportunity to see the  
3 real world.

4 **INMATE WINFREY:** Yes.

5 **DEPUTY COMMISSIONER REMIS:** And, um, it seems  
6 like a big thing in the Bay Area with the computers and  
7 among other kind of high tech stuff. So also you've  
8 been very active in VOEG. I've seen you're still  
9 participating in VOEG on, uh, is it Tuesday and  
10 Wednesday also?

11 **INMATE WINFREY:** Wednesday afternoons.

12 **DEPUTY COMMISSIONER REMIS:** Oh, okay. So what  
13 are you doing on Tuesdays is that just a prayer group?

14 **INMATE WINFREY:** That's the, uh, facilitator  
15 meeting. So all the facilitators meet at that time.

16 **DEPUTY COMMISSIONER REMIS:** Okay, and what goes  
17 on at the facilitator meeting?

18 **INMATE WINFREY:** Um, we just talk about, uh, our  
19 groups and what we're experiences. Um, whether its  
20 feelings or strategies to develop how to run the group  
21 more efficiently.

22 **DEPUTY COMMISSIONER REMIS:** Okay, and, um, what  
23 do you think the biggest part in your growth currently  
24 is with your facilitation of VOEG group?

25 **INMATE WINFREY:** Um, well, our VOEG group we just

1 got through the first, um, part of the curriculum which  
2 is the crime impact statement and, uh, it was very  
3 helpful to sit down with the guys and help them  
4 understand the impact they had with their crime. And I  
5 think as far as facilitating, um, its helped me to see  
6 like this process from outside this process. Instead of  
7 just going through it as a participate and working  
8 through the program myself, but actually sitting down  
9 and helping someone else go through the process has been  
10 both rewarding to me to be able to help someone see the  
11 impact they had on the community, and their selves, and  
12 their victims. It just gave me greater insights into  
13 myself as a person and how that journey went for me.

14                   **DEPUTY COMMISSIONER REMIS:** So how many cycles  
15 have you gone through in terms of being a facilitator.

16                   **INMATE WINFREY:** Uh, this is my first in VOEG.

17                   **DEPUTY COMMISSIONER REMIS:** Okay. And you been  
18 participating how long total in VOEG?

19                   **INMATE WINFREY:** Since 2012, so it's about  
20 approximately four, four and a half years.

21                   **DEPUTY COMMISSIONER REMIS:** And, uh, you have  
22 numerous documentation about your involvement with  
23 Squires and how long you been doing that?

24                   **INMATE WINFREY:** I think I started in Squires in  
25 2000 -- either 2011 or 2012. I think it's been

1 approximately five years I've been doing it. Um --

2 **DEPUTY COMMISSIONER REMIS:** And what is the most  
3 significant part for you in terms of the changes in your  
4 character and understanding about behavior and  
5 motivations?

6 **INMATE WINFREY:** Yeah, um, as far as the Squires  
7 program when I -- you know the first time I ever sat  
8 down with youth it had been a long time since I seen a  
9 kid. And to actually sit down and talk to him, it  
10 helped me reflect on my mindset at that time and, uh,  
11 one thing that some of the people always ask me when  
12 they find out I talk to youth and they say, well what  
13 would you tell yourself when you were 12, 13 years old  
14 to help you change from doing this, and I think the  
15 biggest thing that I've found that I can offer these  
16 children are someone that's willing to listen to them.  
17 And, um, cause that's a big thing a lot of them don't  
18 have in their lives. They don't feel like anyone hears  
19 them. And they're always being told what to do for good  
20 reason, you know, but, um, I think it's really helped me  
21 to see like, uh, that I just want to listen to them and  
22 actually understand their problems and where they're  
23 coming from so I can really be involved with them and  
24 help them make better decisions because I feel like  
25 that's when they start to trust you. And, I don't know

1 does that answer your question?

2                   **DEPUTY COMMISSIONER REMIS:** It's fine. Um, so  
3 you were talking about the flush meters, you had talked  
4 about and, um, another part about your selfishness has  
5 been your drug use.

6                   **INMATE WINFREY:** Yes.

7                   **DEPUTY COMMISSIONER REMIS:** So tell me about  
8 your, um, participating in that in the prison and --  
9 and, um, uh, how that tapered off and what caused you to  
10 make changes there.

11                  **INMATE WINFREY:** Yeah, um, when I first came to  
12 prison I was still, um, getting high on any kind of  
13 substance I could get my hands on basically. Um, that's  
14 when I discovered heroin, um, and started using heroin.  
15 And then started manufacturing alcohol to help pay for  
16 heroin inside of prisons. And in 2003 is when I had  
17 that moment where I just got up and I decided I didn't  
18 want to use drugs anymore because I looked at the  
19 totality of what drugs did to me and my life. And from  
20 that point I've been -- I've maintained my sobriety.  
21 Um, but when I got to a place where they offered  
22 programs in CMC, um, I signed up for Narcotics Anonymous  
23 and I started going for a little while, but I also  
24 signed up for a college program. And, uh, I chose to go  
25 to the college programs instead of Narcotics Anonymous.

1 Um, and then when I got here, again the college program  
2 interfered with me going, but within about 2012 I  
3 started attending NA on a regular basis, um, when my job  
4 didn't interfere. I started working instead so the  
5 sponsor and I realize now it was very hard for me to get  
6 into NA and accept what NA was giving me because I had  
7 been sober for so long. I had maintained my sobriety,  
8 but, you know I was still in my addictive thinking and I  
9 didn't want to admit that I was powerless. That was a  
10 big issue for me in my life. Me dealing with my  
11 powerlessness was, um, from an early age, um, from my  
12 father's alcoholism, I felt I was powerless in that  
13 situation. I've had a lot of anxiety from that and  
14 then, you know working the steps has helped me realize  
15 that and you know, step one was actually the hardest  
16 step for me to admit that I was powerless over my  
17 addictions, but once I got past that hurdle and really  
18 started to take it seriously and talk to my sponsors on  
19 the yard, I've had multiple sponsors on the yard. Guys  
20 inside of prison. It has helped me to really look at my  
21 addiction and become open, um, and not be so close  
22 minded in my thinking. Um, and that began in 2012 and  
23 I've since went to addiction recovery counseling, I'm  
24 still involved in Narcotics Anonymous. Um, I've been  
25 involved in the 12-step program CGA, Criminal Gangs

1 Anonymous to look at my criminal thinking. That is part  
2 of my addictive thinking also.

3 **DEPUTY COMMISSIONER REMIS:** Once you did the 12-  
4 step workshop in CG, what was your best take away from  
5 that?

6 **INMATE WINFREY:** Um, because I, uh, I think the  
7 biggest take away for me was, you know looking at when I  
8 was first confronted with, you know, gang involvement.  
9 Um, and to look at my criminal thinking inside of prison  
10 and being involved with the whites early on that were  
11 involved with prison rules and prison politics that we  
12 were enforcing on each other. And, uh, CGA showed me  
13 like, you know, that you don't have to be initiated into  
14 a gang. You don't have to like do things for the gang.  
15 If you get together with two or more people, you know  
16 that's gang activity if you're discussing criminal  
17 activity and I was definitely involved with that. And,  
18 uh, earlier on in my life in prison, and, uh, I took  
19 that away and really looked at my criminal mentality and  
20 how, you know, they talk about the cycle of addiction  
21 obsessiveness leads to compulsion and then that  
22 progresses and that's definitely been a pattern in my  
23 life, whether with drugs, and criminal activity.

24 **DEPUTY COMMISSIONER REMIS:** So what year was that  
25 CGA workshop?

1           **INMATE WINFREY:** Um, I started CGA in 2016, that  
2 is complete.

3           **DEPUTY COMMISSIONER REMIS:** So that was very  
4 recent. So that's after you finished the ARC?

5           **INMATE WINFREY:** Yeah, ARC, I was still looking  
6 at my addictive mentality and my criminal thinking, but  
7 CGA really helped me see how that ties in with gang  
8 activity also.

9           **DEPUTY COMMISSIONER REMIS:** You mentioned the CGA  
10 and you started to reach back to your behavior with the  
11 white group.

12           **INMATE WINFREY:** Yeah.

13           **DEPUTY COMMISSIONER REMIS:** But as you describe  
14 and define gang activity lifestyle, what about your drug  
15 dealing? Weren't you involved in other people and  
16 selling drugs for you?

17           **INMATE WINFREY:** Oh, definitely. I was involved  
18 in criminal activity without -- without a doubt. And,  
19 you know, and I see that there is no difference between  
20 a gang lifestyle and a drug dealer's lifestyle. It's  
21 the same thing, you know. Without me swearing an  
22 allegiance to a group of men, I was still carrying out  
23 the same morals and principles, or, you know, faulty  
24 belief system that is involved in that lifestyle.

25           **DEPUTY COMMISSIONER REMIS:** There is something

1 that doesn't quite match up to me. You were talk --  
2 when you were describing coming in and wanting to have  
3 these, you know, older more experienced criminals, you  
4 know, you were looking up to them, you wanted to fit in  
5 with them, but when you were describing your life on the  
6 street you're saying I'm this drug dealer whose setting  
7 -- you know I'm the tough guy, I'm carrying a gun. So  
8 you're acting like a leader on the street and then you  
9 come in and you say, Oh no, I'm a follower, I'm a  
10 follower. So you know, I don't know, it doesn't seem  
11 like the same person. You know, explain that to me.

12           **INMATE WINFREY:** Um, I definitely think -- I  
13 understand what you're saying and I think that when I  
14 was in the streets I was -- I had a belief like I was  
15 running my life and I had the same belief when I came  
16 into prison, but I also looked up to these older  
17 figures. And I looked up to the older figures on the  
18 streets to. I looked up to Ronny, and Matt, and the  
19 guys that I was selling drugs with, and did the things  
20 that I thought would make me look big in their eyes.  
21 Um, I was still thinking the same way it was just when I  
22 got to prison things were a lot more serious, and I've -  
23 - I feared for my safety a lot more in prison. And I  
24 knew I couldn't just go on the yard and be the leader at  
25 20 years old with experienced criminals. That was just

1 -- that thought didn't even enter my mind that I could  
2 do that.

3           **DEPUTY COMMISSIONER REMIS:** Hmm. Well you have  
4 been, uh, I saw you apply to run an Adonis program at  
5 the prison, are you still involved with that?

6           **INMATE WINFREY:** Yeah, I'm still involved, uh,  
7 with the Adonis Spiritual Group here. Um, although I  
8 attend services as regularly as I used to. Um, uh, I do  
9 still have a spiritual connection there.

10          **DEPUTY COMMISSIONER REMIS:** When you do that, do  
11 you run into other people who, more run with the white  
12 pressure group?

13          **INMATE WINFREY:** Yes, there, um, so since my  
14 involvement with the Adonis groups here, most of the  
15 guys here are really wanting a program and staying away  
16 from prison politics, uh, involved with those pressure  
17 group kind of people. Those people soon find out --  
18 that try to -- that live that lifestyle, that go to  
19 spiritual Adonism really isn't about that. Um, Adonism  
20 is a religion, it has nothing to do with politics and  
21 anyone that's well established in that religion, um,  
22 understands that. So those kind of guys don't really go  
23 to the spiritual group here that much.

24          **DEPUTY COMMISSIONER REMIS:** Not here at San  
25 Quentin.

1           **INMATE WINFREY:** No, um, in High Desert when I  
2 first became involved with the group and I knew very low  
3 -- relatively little about it, it was more those kind of  
4 people that were involved with a lot of politics.

5           **DEPUTY COMMISSIONER REMIS:** Hmm. Okay. So you  
6 mentioned, um, anger as an issue, um, guns and anger,  
7 about the causative factors of the crime. So what's  
8 been most helpful, um, for you addressing those issues  
9 on your rehabilitation? And what tools do you have to  
10 address that now.

11           **INMATE WINFREY:** Um, the GRIPP program, besides  
12 some other ones, but namely that as far as the anger has  
13 given me a lot of tools. Um, we study a lot of, uh,  
14 tools in there. How do deal with anger. How, um, it's  
15 my decision to get angry, like nobody can make me angry.  
16 Um, that's something that's been discussed in a lot of  
17 groups I've been in from nonviolent communication, where  
18 I talked feelings and needs. And I first started to  
19 understand like we all have feelings and we all have  
20 needs we're trying to meet and we come up with different  
21 strategies to get there, but we all share a universal  
22 set of needs.

23           **DEPUTY COMMISSIONER REMIS:** Well, aside from  
24 dealing with the other students in the university  
25 setting, um, in the rough and tumble world to the extent

1 that you're exposed to that at San Quentin, what other  
2 anger, uh, and nonviolent communication tools that you  
3 most often are using in your daily life?

4           **INMATE WINFREY:** So, uh, a big tool is, you know,  
5 when I do feel myself getting angry, um, it's just to  
6 stop and see what kind of story I'm telling myself.  
7 Usually just kind of -- some kind of story that I've  
8 attached to that, like this guys doing this to me, or  
9 this guys doing that to me. Um, and I just stopped and  
10 -- and -- and -- and I think about that and, uh, soon I  
11 realized, like this is this big story that I'm telling  
12 myself. And, um, just processing that has given me, uh,  
13 the ability to slow down. I don't -- I don't just react  
14 to things anymore. I sit there and try to respond to  
15 people and my emotions and understand where they're  
16 coming from and why I'm feeling like that. And what I  
17 need in that moment. What I'm trying to achieve and see  
18 why I'm getting angry. That's been huge tool to help me  
19 and understand other people's perspectives too. You  
20 know, have empathy for other people and understand the  
21 path they're on and what they're trying to get, because  
22 often times it's when our strategies clash with each  
23 other that, um, situations like that happen. Uh, I've  
24 come to understand that and I've tried to understand,  
25 like if someone needs a notebook, maybe they really need

1 a piece of paper to write home. And just understand why  
2 they are trying to meet that need.

3                   **DEPUTY COMMISSIONER REMIS:** Hmm. Okay. Um, I  
4 just want to, um, mention that, um, before we went on  
5 record we noted, uh, the, uh, brief that was submitted  
6 in, uh, support of you're, uh, parole. And, uh,  
7 basically it was about 345 pages, um, it's, uh, the  
8 title of it is submission support of Thomas Winfrey for  
9 his initial hearing. It was submitted by the, uh,  
10 attorneys and the, uh, school. And it was part of the  
11 WatchDox ten day in the electronic file. We were handed  
12 a paper copy as well, uh, so we have reviewed it. I  
13 have read it all in preparation for the hearing and we  
14 consider it and it's incorporated into the record  
15 already. Uh, we're not taking it as an exhibit today  
16 because it's already in the record, but, um, so I'm not  
17 going to read it verbatim page by page today at the  
18 hearing, but know that we are considering it. And, uh,  
19 I have referred to it during the hearing so far in terms  
20 of my organization of trying to be complete and look at  
21 the highlights. Um, there's a few other things I wanted  
22 to just touch on. You've also, uh, had some charitable  
23 efforts with, uh, Kid CAT, a number of things that, uh,  
24 you've done over the years. Day of Peace, uh, you've  
25 been in the recreation aide program. Um, you've taken

1 other courses such as the trust program, project LA, I  
2 note, um, this letter said your eligible for the after  
3 care if you end up in the L.A. area. And, um, one of  
4 the other significant areas that you mentioned, uh,  
5 you've been involved in a journalism --

6 **INMATE WINFREY:** Yes, sir.

7 **DEPUTY COMMISSIONER REMIS:** -- uh, project and,  
8 um, involved in some -- gotten an award for that and,  
9 um, what's the other thing. Uh, your art work. You had  
10 some essays that you've written, journalism essays, and  
11 also artwork that you submitted. And some artwork that  
12 you've donated to charitable causes and um, it is very  
13 impressive. And, uh, you didn't give us hardcopies, but  
14 I can see from the quality of what was reproduced that  
15 it's very good. You're not like me, like finger  
16 painting, I mean your excellent, uh, professional level  
17 work that someone would want donated for charitable  
18 cause, and someone would pay for. So, um, that's  
19 acknowledged and will be considered in terms of the  
20 parole aspect particularly, but also in terms of the  
21 giving. Um, there, uh, support letters and we'll talk  
22 about that more in the parole section, but there are  
23 other inmates, uh, and people have talked about some of  
24 the contributions you've done to other inmates in terms  
25 of helping them in the VOEG program, and tutoring, and

1 other activities. Um, and, uh, for example there is a  
2 lottery chronos and, uh, saw a memo from the sheet metal  
3 instructor talking about your activities and helping  
4 them there. And, uh, contributions to the prison. Um,  
5 is there some area that we haven't yet touched on about  
6 your performance in trying to be somewhat comprehensive  
7 in scope --

8           **INMATE WINFREY:** No.

9           **DEPUTY COMMISSIONER REMIS:** -- without being, uh,  
10 mind numbing in detail today, uh, that we haven't  
11 touched on that we should that's significant in terms of  
12 your rehabilitation.

13           **INMATE WINFREY:** No, I think that, you know, I've  
14 been involved with a lot of groups since I been here at  
15 San Quentin and education has been a huge change in my  
16 life. That's brought a lot of change and allowed me to  
17 change my life. And I've just been focused on education  
18 for a long time and, um, that started with -- at CMC  
19 even. You know, with learning -- learning vocational  
20 trades, welding and stuff. Uh, other than that, you  
21 know, a lot of the groups here like I've learned -- I've  
22 had a lot of eye opening moments here inside my  
23 rehabilitation, in some of these groups. Um, uh, I know  
24 that like each of them has played a part with my  
25 rehabilitation. So it's hard to just, like single out

1 one group or anything. I think we've been very  
2 comprehensive in that.

3 **PRESIDING COMMISSIONER ANDERSON:** Uh, before we  
4 continuing into parole plans, let's take a ten-minute  
5 recess for everybody. The time is now 10:15 a.m.

6 **R E C E S S**

7 **--oo--**

8 **PRESIDING COMMISSIONER ANDERSON:** Yeah, let's go  
9 back on record.

10 **DEPUTY COMMISSIONER REMIS:** 10:23 a.m. We're  
11 back on record.

12 **PRESIDING COMMISSIONER ANDERSON:** Okay, we'll  
13 continue with the post-conviction factors.

14 **DEPUTY COMMISSIONER REMIS:** Okay. So, uh, it  
15 just came to me, so you said around 2003 is when you  
16 stopped using, um, illegal substances such as, uh, drugs  
17 and it wasn't around till 2012 that you started NA, and  
18 CGA, and all that stuff. Now about how many years or  
19 times did you use heroin? It seems like that's kind of a  
20 tough thing just to stop.

21 **INMATE WINFREY:** Yeah, uh, my heroin use inside  
22 prison was sporadic. It wasn't like every day I was  
23 using it. It was, um, maybe once a month, or whenever I  
24 could afford to do it. Um, when I sold some pruno,  
25 maybe. When I was manufacturing alcohol. It wasn't

1 just an everyday drug use habit.

2                   **DEPUTY COMMISSIONER REMIS:** Okay. Commissioner  
3 questions about that? Okay, so we're going to go to  
4 parole plans. So, um, as I mentioned you have, uh,  
5 numerous letters of support. In fact, um, in addition  
6 to, uh, the number that we're going to address from the  
7 materials that you submitted previously, today, uh, we  
8 were handed, um, four documents, which we took as  
9 exhibits one, two, three, and four. Uh, letters and  
10 support. And I'll just mention those, uh, from the  
11 inside prison project, uh, we have had several other  
12 letters, but this one was from, uh, David Beldin  
13 (phonetic) and, uh, Karina Montag. And, um, somewhat  
14 similar to the others. Noting your participating and  
15 then your work as a facilitator and a few other personal  
16 comments, uh, in support of your parole. Uh, also, uh,  
17 as exhibit B from Nigel Poor, P-O-O-R, your professors  
18 at state. Um, it talks about some of your personal  
19 qualities, and, um, uh, the effort that you've done to,  
20 um, give and work with others. And, uh, that's a -- we  
21 consider that letter. Uh, exhibit three is a letter  
22 from Alexandra Williams, uh, and she, uh, knew you as a  
23 volunteer for Kid CAT, which you said you've been  
24 involved with for a number of years. And, uh, she said  
25 she saw you teach accountability and ownership of

1 actions to other men and about your remorse, and, uh,  
2 responsibility, and, um, the belief that you would be an  
3 asset to the community. And exhibit four is a, uh, one  
4 full page memorandum from Lieutenant Samuel Robinson,  
5 the public information officer. He's known you for five  
6 years. Seen you work on various media projects as well  
7 as the journalism, the newspaper, and some personal  
8 qualities. Um, and, um, talks about your participation  
9 in some of those activities and, uh, it says you're a  
10 mature, level headed, goal oriented, adult. Who is  
11 responsible and a role model for other incarcerated men  
12 at risk. Youth and, um, his you know support of you.  
13 So, uh, those were the new ones that we got today. Uh,  
14 in addition, uh, Francisco Mendoza, former inmate, uh,  
15 the VOEG facilitator, we got one from your brother. Uh,  
16 the last mile was a program you participated, and they  
17 forwarded. Amanda Howell, prison university project in  
18 support. Another inmate, Cleo Clowmen (phonetic) uh,  
19 James Deboor (phonetic), infinite Unity or Unite. Um,  
20 Kid CAT, uh, Beverly Selby (phonetic). Another prison  
21 university project, uh, Jodie Lewan (phonetic). Uh, and  
22 then, uh, your mother Martha Winfrey, Jeff Borobitz,  
23 (phonetic) your future father in law who gives you a job  
24 offer down in San Diego, uh, Spring Valley area. Uh,  
25 your brother Jason, uh, your sister in law, Annie

1 Winfrey. Uh, your brother John Winfrey. Your fiancée,  
2 Elena Harovitz (phonetic) and she talks, read that  
3 letter. She talks about how she met you and the  
4 personal qualities, and some of your plans for the  
5 future. And, uh, how you helped her with, um, some  
6 business ideas. And, um, certainly that's part of your  
7 education in business training. Uh, and your own  
8 artwork, and encouraging to sell her artwork and she  
9 found that to be financially rewarding. And that you  
10 have some skills in that area. Um, you worked with  
11 Squires, we have some letters including form Rafael  
12 Conzole (phonetic). Um, and, uh, some of your  
13 instructors besides Kenneth Bow (phonetic), a sheet  
14 metal instructor. Also Richard Saenz, S-A-E-N-Z, VOEG  
15 tool -- machine tool technician, technology rather. Uh,  
16 one of the other prison arts program, Pat Mahoney. Uh,  
17 Joe Lister, the San Quentin news advisor. Another Kid  
18 CAT person, Karen Drucker (phonetic). Um, and, uh,  
19 several other people. Um, Larry Lebey (phonetic), uh,  
20 Mary Elle Woods, Mickey Mariachy (phonetic), Bunny Lasar  
21 (phonetic), Steve Macklamera (phonetic). Uh, some other  
22 instructors, Jennifer Lyons, uh, Jack Jacuare, Omega  
23 Boys Club. Uh, Jennifer Fisher talked about you being,  
24 uh, helping her. I don't know if it's a teaching  
25 assistant, or you were just volunteering helping her.

1 She wrote a -- a very nice letter about your interest in  
2 ethics, which I was very interested to read after  
3 looking at your, um, appeal letter, then I read that  
4 together. To think about your evolution in ethics  
5 because I studied ethics in college as well.

6 **INMATE WINFREY:** Yeah.

7 **DEPUTY COMMISSIONER REMIS:** Um, so, uh, I think I  
8 got most of them. Uh, there's quite a few listed. Uh,  
9 what's interesting is that the breath of the programs  
10 that you've been involved with, people who were willing  
11 to write you individual letters talking about the impact  
12 you've made on your lives and other's lives. And some  
13 of these programs that I think, um, you'll be involved  
14 with, or have offered you opportunities such as the, um,  
15 uh, Infinite Unite, has that offered you an opportunity  
16 up in northern California for a job?

17 **INMATE WINFREY:** Yeah, uh, James Deboor, um,  
18 that's his company name, Infinite Unity and, uh, uh,  
19 he's working on a web -- he's developing web software,  
20 he's a startup, he's offering me a -- a job as a junior  
21 developer.

22 **DEPUTY COMMISSIONER REMIS:** So you basically have  
23 dual plans for northern California and southern  
24 California. And, um, is it the training center in  
25 Spring Valley as your southern California?

1           **INMATE WINFREY:** Yes, sir.

2           **DEPUTY COMMISSIONER REMIS:** And that's kind of  
3 the Los Angeles, kind of east Los Angeles area?

4           **INMATE WINFREY:** San Diego.

5           **DEPUTY COMMISSIONER REMIS:** Is that more closer  
6 to San Diego? I'm sorry, my geography in southern  
7 California is not perfect. It's closer to San Diego,  
8 north Orange County?

9           **INMATE WINFREY:** Yeah, uh, I think it's -- I'm  
10 not very familiar with San Diego, but it's close to  
11 where my fiancée lives. They both live in Spring  
12 Valley. I think it's southern east.

13           **DEPUTY COMMISSIONER REMIS:** Her address was  
14 Spring Valley, too. So that's very close. And then you  
15 had one in northern California. What was that one that  
16 you had?

17           **INMATE WINFREY:** Cove, uh, Cove Recovery Center.  
18 It's in Hayward, California.

19           **DEPUTY COMMISSIONER REMIS:** And why did you pick  
20 that particular one?

21           **INMATE WINFREY:** Um, a lot of the guys on the  
22 yard that talk about reentry that knows guys that have  
23 been to these certain reentry places that, uh, I've been  
24 informed that's a very good one, uh, to parole to.

25           **PRESIDING COMMISSIONER ANDERSON:** What city was

1 that in?

2           **INMATE WINFREY:** Hayward.

3           **DEPUTY COMMISSIONER REMIS:** Okay, I guess that's  
4 Cove. So how long do you think you'd stay at this  
5 reentry program?

6           **INMATE WINFREY:** Um, I foresee a minimum of six  
7 months to a year.

8           **DEPUTY COMMISSIONER REMIS:** Okay. And, um, now  
9 because you have so much on your vocation, what do you  
10 think are the programs that you'd be most utilizing at a  
11 transitioning program?

12          **INMATE WINFREY:** Uh, I would definitely want to  
13 get my foot in the door in web development. Um, I think  
14 I would love to, um, pursue a career in that, and I know  
15 there's a lot of access on the internet through tutorial  
16 training. Whether it's YouTube tutorial videos, or  
17 programs I could get involved with down there in that  
18 too. Um, I would just like to further that training,  
19 but I definitely if I went to work for my father in law  
20 using maintenance skills, uh, my metal fabrication  
21 skills like welding and just general maintenance.

22          **DEPUTY COMMISSIONER REMIS:** Okay, had you done  
23 any of that kind of work in the community before?

24          **INMATE WINFREY:** Uh, I was a glazer. That's  
25 someone who installs windows and mirrors. So I was -- I

1 worked on construction sites a lot. And I used to work  
2 on cars in my spare time.

3 **DEPUTY COMMISSIONER REMIS:** Okay, good. Um, so  
4 what -- what programs in the community you're planning  
5 to continue with, um, when you, uh, during this time?

6 **INMATE WINFREY:** Uh, if I'm allowed to parole out  
7 I would continue with definitely The Last Mile, which  
8 is, uh, partners in the with PIA in the computer coding  
9 class. Uh, and they, uh, have offered me a paid  
10 internship. They definitely would let me be their  
11 designer for the joint venture program to work hand in  
12 hand with that. Um --

13 **DEPUTY COMMISSIONER REMIS:** Is that limited to  
14 northern California?

15 **INMATE WINFREY:** No, it's something I can do long  
16 distance. I've talked to them about, um, it's something  
17 I can do over the internet.

18 **DEPUTY COMMISSIONER REMIS:** Okay. Anything else?

19 **INMATE WINFREY:** Um, I would also maybe, uh, like  
20 to be a web developer with Infinite Unity. Um, I could  
21 do through correspondence, electronic correspondence  
22 too.

23 **DEPUTY COMMISSIONER REMIS:** Okay, you don't have  
24 to physically be in the room to do that.

25 **INMATE WINFREY:** No.

1           **DEPUTY COMMISSIONER REMIS:** Okay, any other  
2 programs or activities that you're planning to do on  
3 parole?

4           **INMATE WINFREY:** Um, definitely NA. I want to  
5 get involved with an NA group. Um, wherever I'm at,  
6 whether it's in Hayward or in Spring Valley.

7           **DEPUTY COMMISSIONER REMIS:** Remind me again, who  
8 is your, uh, NA sponsor?

9           **INMATE WINFREY:** Uh, David Basile (phonetic) has  
10 been my NA sponsor, uh, and he's outside now and Dwayne  
11 Holt, he's actually paroled too while I was in here.  
12 Um, he paroled recently. They were my sponsors while in  
13 here and David Basile will still be my sponsor until I  
14 could get to an NA meeting and find someone that, um, I  
15 could have been my sponsor out there.

16           **DEPUTY COMMISSIONER REMIS:** Okay, um, I seen your  
17 file and your materials. Several different relapse  
18 prevention plans. The one in your, um, the main  
19 materials that we have for today is a six page plan  
20 that's dated October 6<sup>th</sup>, 2016 and it talks about your  
21 support system includes, um, your sponsor for, um, NA.

22           **INMATE WINFREY:** Mhmm.

23           **DEPUTY COMMISSIONER REMIS:** Um, so what do you  
24 think your biggest risk factor on parole is going to be?

25           **INMATE WINFREY:** My biggest risk factor I know

1 it's going to be a challenge going out there with a  
2 criminal record. And, uh, people judging that. That's  
3 going to be huge, but, you know, some of those internal  
4 feelings, um, broken relationship -- um, relationship  
5 not working with my fiancée that would be a huge trigger  
6 for me. Um, you know loss of my mother, something along  
7 those lines. Those would, uh, definitely lead me to  
8 feelings that I know that it's possible that I could  
9 relapse if I don't utilize the tools that I have in my  
10 prevention plan.

11           **DEPUTY COMMISSIONER REMIS:** And what do you think  
12 are going to be the most important tools?

13           **INMATE WINFREY:** Um, my support network.  
14 Definitely relying on talking to my accountability  
15 partners like Robert Frye, or David Basile my NA  
16 sponsor, or talking to my sister in law. If I begin to  
17 shut down and not talk to those people I realized, right  
18 there I'm in the middle of a relapse even if I'm not  
19 using drugs.

20           **DEPUTY COMMISSIONER REMIS:** Well aside from  
21 talking to people what do you think is going to be the  
22 most important tool is going to be for you?

23           **INMATE WINFREY:** Uh, well, step ten in NA has  
24 been a huge one for me. Um, always taking personal  
25 inventory. I do that every night -- I do that every

1 night in my recovery. And realizing, like some of these  
2 things that are going on with me and being truthful with  
3 myself.

4 **DEPUTY COMMISSIONER REMIS:** What's an example of  
5 a couple of things that have come up in the last week  
6 when you check stuff.

7 **INMATE WINFREY:** Um, I'm definitely nervous about  
8 the board hearing. That's been a huge one in the last  
9 week. And you know, I've been talking to my fiancée.  
10 We had great conversations this weekend about it. About  
11 my feelings about it. I've been able to express my  
12 emotions and those are things when I was 19 years old,  
13 when I committed this crime, I definitely wasn't doing.  
14 I couldn't even understand or process my emotions at  
15 that time. Um, so that's been a huge one in step ten  
16 for me.

17 **DEPUTY COMMISSIONER REMIS:** So in your, uh,  
18 relapse prevention plan you talked about some of your  
19 triggers and you're talking to a doctor which that's the  
20 next part. We will talk about the clinical report, but,  
21 um, tell me about your triggers. What do you think is  
22 going to be, uh, the most important internal trigger  
23 that you're going to have to deal with? What do you  
24 think is going to come up for you on parole?

25 **INMATE WINFREY:** Um --

1           **DEPUTY COMMISSIONER REMIS:** What buttons are  
2 going to be pushed for you?

3           **INMATE WINFREY:** Uh, I foresee feelings of  
4 worthlessness, maybe. Like if I feel like people aren't  
5 accepting me. I know that's an internal trigger.  
6 That's been an internal trigger for me if I feel like,  
7 um, shame and, uh, I begin to isolate myself because of  
8 that and not express my emotions to people who care  
9 about me.

10          **DEPUTY COMMISSIONER REMIS:** Other than what  
11 you've already described, what's your best tool to  
12 address that?

13          **INMATE WINFREY:** Um, reaching out for support is  
14 really my best tool I can use. And, um, expressing my  
15 emotions in a healthy way. In positive self-talk.  
16 Also, meditations been big for me and prayer. Uh, I  
17 wake up every morning and pray and meditate and think  
18 about the day. I wake up at 4:30 every morning in here  
19 and, uh, I have about twenty minutes before I have to  
20 leave the cell after I get ready to go get my  
21 medication, my morning medication. And I use that time  
22 to sit down and meditate about the day and think about  
23 what I want to do in that day. And just, um, calm  
24 myself. And I think that could be a huge tool with  
25 yoga, and, uh, just meditating.

1           **DEPUTY COMMISSIONER REMIS:** Okay. In terms of  
2 job offers one that I hadn't quite mentioned. Um, uh,  
3 David Basile, um, your NA sponsor, offered you a  
4 position in maintenance for support services. Is that  
5 limited to northern California?

6           **INMATE WINFREY:** Yeah, that would be in the San  
7 Francisco area.

8           **DEPUTY COMMISSIONER REMIS:** Okay, and that's  
9 still viable so you have three job offers?

10           **INMATE WINFREY:** Yes, sir.

11           **DEPUTY COMMISSIONER REMIS:** Okay. And, um, now  
12 those job offers that you've talked about would that be  
13 sufficient to support yourself or your household, or are  
14 they part time, or little bits here and there?

15           **INMATE WINFREY:** Um, while I'm in, uh, the  
16 program I think it would be sufficient. I definitely  
17 plan on furthering my education though and upgrading my  
18 skills especially. I want to go to, uh, they have  
19 coding classes like incubators that, you know, you do  
20 six or seven weeks of intensive training and get job  
21 placement after that. I would really to get involved  
22 with that and maybe pursue a bachelor's degree at the  
23 San Diego state if I'm allowed to parole to San Diego,  
24 or a bachelor's degree here at San Francisco.

25           **DEPUTY COMMISSIONER REMIS:** Have you identified

1 where those locations are in San Diego?

2           **INMATE WINFREY:** Yeah, project rebound is a  
3 program that works with formerly incarcerated students  
4 in the CALCA system. And they have another one at San  
5 Diego State the university that my fiancée attends right  
6 now. And she's in the graduate program in there.

7           **DEPUTY COMMISSIONER REMIS:** Well good, very good.  
8 Commissioner any questions about the parole plans?

9           **PRESIDING COMMISSIONER ANDERSON:** Not at all.

10          **DEPUTY COMMISSIONER REMIS:** Back to you then.

11          **PRESIDING COMMISSIONER ANDERSON:** In terms of  
12 your comprehensive risk assessment by Dr. Goldstein, all  
13 the answers up to this point have been covered. Um,  
14 youthful offender status, you were 19 years old when you  
15 portrayed the crime. Doctor writes said you had a  
16 diminished culpability at the time of the crime as  
17 compared to an adult. And the factors that are  
18 prevalent here at that time that you were in an unstable  
19 social environment, more common, undeveloped since of  
20 responsibility, and you continued to abuse an  
21 intoxicating substance while in prison, which lessened  
22 your ability to anticipate and appreciate the  
23 consequences of your actions. More recently you have  
24 demonstrated increased maturity, as evidence by your  
25 desire to gain vocational training and perform well on

1 your work assignments, and taking full responsibility  
2 for your crime, and address the issues surrounding your  
3 substance use. The doctor goes on to write that your  
4 cognitive and emotional immaturity was a significant  
5 factor in your failure to consider the consequences of  
6 your reckless behavior, resulting in the life crime,  
7 however your judgement, impulse control, and  
8 consideration of the consequences of your actions have  
9 matured over time and appeared to mitigate your risk for  
10 future violence. So the doctor goes on to give a  
11 formulation of risks and opinions and finalization. At  
12 about nine is your low risk to recidivate, and, um, your  
13 low risk, um, not a risk for long term inmates and other  
14 parolees. And again, that's a 14-page report by Dr.  
15 Goldstein, incorporating that into the record. Uh,  
16 Counsel do you have any comments on this report at this  
17 time?

18                   **ATTORNEY RYAN:** Um, no, sir.

19                   **PRESIDING COMMISSIONER ANDERSON:** Okay, uh, what  
20 we're going to do is we're going to shift focus and  
21 we're going to go to a question and answer session.  
22 We'll start with the District attorney. Each attorney  
23 will have ten minutes. Mr. Baker?

24                   **DEPUTY DISTRICT ATTORNEY BAKER:** Thank you, uh,  
25 the board can inquire, uh, when did the inmate first

1 decide the victim had to be killed for not paying?

2                   **PRESIDING COMMISSIONER ANDERSON:** The way this  
3 process works, Mr. Winfrey, just answer the board unless  
4 I direct it otherwise. It's the form of process that's  
5 here. Go ahead.

6                   **INMATE WINFREY:** Um, really it was in that moment  
7 that I made that decision. Uh, when I got angry that's  
8 when.

9                   **PRESIDING COMMISSIONER ANDERSON:** When you say  
10 that moment, was that moment at the motel?

11                  **INMATE WINFREY:** Yeah, in the moment that the  
12 murder happened. I had, uh, uh, thought about it though  
13 previous to that, um, when I told Ronny I was going to  
14 go there and get my money or else.

15                  **PRESIDING COMMISSIONER ANDERSON:** Okay.

16 Continue.

17                  **DEPUTY DISTRICT ATTORNEY BAKER:** I guess if you  
18 can inquire then in the, uh, risk assessment I believe  
19 page ten to 11, uh, he stated that part of the  
20 motivation for the crime was that, uh, he was concerned  
21 about what other individuals in his lifestyle would  
22 think, or would lose respect for him. If that -- uh, if  
23 you could ask a question about why is, uh, -- why'd you  
24 tell the psychologist that?

25                  **PRESIDING COMMISSIONER ANDERSON:** At the bottom

1 at page ten, it says that you made up images of yourself  
2 as a drug dealer. Bottom of page ten, so now, um, you  
3 understand the question?

4           **INMATE WINFREY:** Yes.

5           **PRESIDING COMMISSIONER ANDERSON:** What's your  
6 answer?

7           **INMATE WINFREY:** Uh, at the time I was worried  
8 about my image to other drug dealers. I was really at  
9 that point worried about acceptance in my youth.

10          **PRESIDING COMMISSIONER ANDERSON:** You didn't --  
11 you didn't sell to drug dealers though.

12          **INMATE WINFREY:** Excuse me?

13          **PRESIDING COMMISSIONER ANDERSON:** You didn't sell  
14 drugs to drug dealers.

15          **INMATE WINFREY:** No, but, um, that was a  
16 community of drug abusers and drug dealers and I was  
17 worried about upholding that image. Uh, when I was that  
18 age, I was. I was worried about what other people  
19 thought about me, I felt like, um, there was a pattern  
20 in my life that people I cared about. People that I  
21 wanted to be close to were taken away from me  
22 continuously and I felt like I was at the, um, bottom of  
23 my life in the community I found myself in, or I chose  
24 to be in was drug dealers and drug users, and people  
25 involved in criminal activities. And I was worried

1 about saving face to those people.

2           **PRESIDING COMMISSIONER ANDERSON:** Okay. Mr.  
3 Baker continue.

4           **DEPUTY DISTRICT ATTORNEY BAKER:** Yes, if you  
5 could truly inquire if he actually believed that the  
6 victim would have 1500 dollars on him at the time.

7           **PRESIDING COMMISSIONER ANDERSON:** Answer the  
8 question, what's your answer?

9           **INMATE WINFREY:** I doubted it. I would have took  
10 any amount of money from him though that he was willing  
11 to offer to save face.

12           **PRESIDING COMMISSIONER ANDERSON:** Okay, continue,  
13 sir.

14           **DEPUTY DISTRICT ATTORNEY BAKER:** And was he -- if  
15 you could further inquire if he was intending on  
16 inducing a confrontation with the victim at that time?

17           **PRESIDING COMMISSIONER ANDERSON:** Your answer?

18           **INMATE WINFREY:** I don't really understand the  
19 question was I -- if he paid me is that?

20           **DEPUTY DISTRICT ATTORNEY BAKER:** Well, basically  
21 if he didn't pay, was he intending on beginning --  
22 starting an argument as part of the intent?

23           **INMATE WINFREY:** Yes, I was, yes, I was  
24 definitely intending to argue with him.

25           **PRESIDING COMMISSIONER ANDERSON:** Okay.

1           **DEPUTY DISTRICT ATTORNEY BAKER:** And to further  
2 inquire then on a different subject, uh, which of the  
3 racist white groups did he -- when in the prison system  
4 did he associate with?

5           **PRESIDING COMMISSIONER ANDERSON:** Yeah, I wasn't  
6 clear on that either. Which group did you associate  
7 with?

8           **INMATE WINFREY:** Uh, just the whites in prison.  
9 They're generally --

10          **PRESIDING COMMISSIONER ANDERSON:** Just overall  
11 whites?

12          **INMATE WINFREY:** Yeah.

13          **PRESIDING COMMISSIONER ANDERSON:** Well they got  
14 all these factions and sub groups and they didn't have a  
15 name?

16          **INMATE WINFREY:** No, at that --

17          **PRESIDING COMMISSIONER ANDERSON:** Just the white  
18 guys hanging out?

19          **INMATE WINFREY:** Well, you know, they're  
20 generally referred to as the Peckerwoods, the whites on  
21 the yard. It's like a general label.

22          **PRESIDING COMMISSIONER ANDERSON:** You know they  
23 are all divided into subgroups, aren't they? Just like  
24 the blacks are. Gangs over here and the Black  
25 Guerrillas over here and the northerners over here and

1 the southerners over here, you know what I'm talking  
2 about.

3           **INMATE WINFREY:** Yeah, when I -- when I first  
4 came to prison though, um, they were locking up all the  
5 prison gangs. All the Aryan brotherhoods and Nazi low  
6 riders were getting into determinate SHU's and isolated  
7 away from the general population. So there really  
8 wasn't really no white factions on the yard besides, uh,  
9 skinheads that were skinheads out in the streets. They  
10 weren't -- it wasn't a prison gang.

11           **PRESIDING COMMISSIONER ANDERSON:** Okay.

12           **DEPUTY DISTRICT ATTORNEY BAKER:** Okay, that would  
13 be all. Thank you.

14           **PRESIDING COMMISSIONER ANDERSON:** Thank you.  
15 Counsel, what about you for your clarifying question?  
16 You've got 10 minutes.

17           **ATTORNEY RYAN:** Mr. Winfrey, um, can you briefly  
18 explain the environment that you grew up and the affect  
19 that that had on you?

20           **INMATE WINFREY:** Yeah, I grew up between south  
21 east Texas and Los Angeles, um, I grew up the first  
22 eight years in south east Texas. I moved to L.A. for a  
23 year. Um, in that year I struggled to make friends -  
24 friendships. Um, I had a heavy Texas accent, kids made  
25 fun of me. So I began to start to isolate myself at

1 that point in my life. Uh, I moved back to Texas the  
2 next year. I found it hard to make friends because I  
3 had lived in California and there was a biasness between  
4 Texans and Californians, or anything that ain't a Texan.

5 **PRESIDING COMMISSIONER ANDERSON:** You say you had  
6 a Texas accent?

7 **INMATE WINFREY:** Yes, sir.

8 **PRESIDING COMMISSIONER ANDERSON:** I've lost it  
9 over the years. When I moved back for the second time I  
10 was entering the fifth grade so I was about ten years  
11 old. And I really tried to suppress that because it got  
12 me like in scuffles when I was a kid I would get in  
13 arguments with other kids. And, um, so we started to  
14 move around Los Angeles a lot in my younger years. And,  
15 uh, my father was an alcoholic that whole time. And I  
16 started to understand what that meant around the age 12  
17 and before that, you know it definitely affect my life.  
18 I felt a lot of anxiety as a child trying to struggle  
19 with that and feel like I had to be the peace keeper in  
20 the house. And, you know I felt a lot of shame for  
21 that. I didn't want people to come over to my house,  
22 friends I was making. You know so there was a whole  
23 part of my life I was trying to hide as a young kid.

24 **ATTORNEY RYAN:** Um, how did your relationship  
25 with your father, um, change your relationship with

1 other men in your life? Did it have any effect on that?

2           **INMATE WINFREY:** Definitely, uh, I loved my dad,  
3 but I was also scared of my dad. Um, and I think our  
4 relationship was strained up to the point that he died.  
5 Um, and I think as a result of that I often looked  
6 towards older individuals. Um, male individuals as role  
7 models. Trying to model my behavior after theirs and,  
8 um, I struggled to maintain relationships with those  
9 guys I looked up to because of that relationship with my  
10 father.

11           **ATTORNEY RYAN:** Um, you began to have some  
12 disciplinary issues in 2010 and 2011 after sometime  
13 being disciplinary free. Um, what was going on in your  
14 family life during that time?

15           **INMATE WINFREY:** Um, my father was dying. He was  
16 suffering from extreme illness, the last time I saw him  
17 was probably 2009. He made the trip to California Men's  
18 Colony and I knew just looking at him he didn't have  
19 long to live. And I was definitely struggling with my  
20 emotions trying to, uh, confront him about my childhood  
21 and his alcoholism and the abuse that I suffered. You  
22 know the verbal abuse, the beatings when I did something  
23 wrong. And I, you know I wanted to talk to him about  
24 that kind of make that amends because he had changed his  
25 life too. He had stopped drinking alcohol and tried to

1 be involved in my nieces and nephew's life, his  
2 grandchildren. And you know he stopped smoking  
3 cigarettes, everything. You know and I was kind of  
4 resentful about that and I was trying to struggle with  
5 those emotions. I was struggling with those emotions  
6 and you know I was taking it out on people around me  
7 and, uh, justifying my behaviors and carrying that anger  
8 with me until I forgave him inside of a VOEG group in  
9 2012. Uh, I wrote a letter of forgiveness to him and I  
10 actually looked at his life and saw that he grew up  
11 without a father. His father was killed, he was hit by  
12 a bus when he was four years old. I never even gave  
13 much weight to that or thought about that. That he  
14 struggled with his own addiction issues of alcoholism.  
15 You know, and trying to maintain a relationship with me  
16 and the rest of my family. My mom clearly loved him,  
17 um, I never gave any weight to that and I was very  
18 selfish in my thinking up to that point. Until I could  
19 understand some of those things and a lot of that anger,  
20 um, evaporated with me when I actually forgave him.

21                   **ATTORNEY RYAN:** How was your coping with your  
22 father's death different than your coping with stress  
23 and trauma as a young man?

24                   **INMATE WINFREY:** When I was a young man, um,  
25 obviously, I became very violent with my anger and

1 stress. Um, I took Mr. Sibet's life, but, uh, when I  
2 got older I didn't want to hurt people. I got to a  
3 point in my life where I didn't ever want to hurt  
4 anybody again. So I started to litigate, you know, was  
5 a major thing in my life at that point. Uh, I had  
6 problem, I felt like there was hypocrisy in the prison  
7 system and that drove me crazy. Uh, I realize that was  
8 a part of growing up in a household with an alcoholic  
9 father, uh, that made a lot of rules and said a lot of  
10 things, but he was continually breaking the law, driving  
11 drunk, stumbling home drunk. You know doing those  
12 things. I saw hypocrisy every day and you know inside  
13 the prison system I felt like there was a lot of  
14 hypocrisy. Rules were being forced against me, but I  
15 would see guards, uh, not adhering to the rules and I  
16 was trying to litigate everything. And um, that was a  
17 result of me trying to make sense out of the world and  
18 make the world fair. I had this world view that the  
19 world should be fair, you know and I struggled with that  
20 at that time in my life, until I came to the  
21 realizations you know, I had to work through that and  
22 see, you know, that's part of life. Like we can't  
23 always get our ways, that's not the way the world works  
24 and I began to accept my reality a lot more at that  
25 time.

1           **ATTORNEY RYAN:** Um, how were you able to remain  
2 sober during that time of stress?

3           **INMATE WINFREY:** Um, I looked to my faith. My  
4 faith was a big part of, you know maintaining my  
5 sobriety too. Um, being clean and sober is part of that  
6 faith. Um, it -- it talks about that. Um, also I  
7 didn't want to be that drug addict anymore. I didn't  
8 want to cause anybody more pain. I realized how much  
9 pain I caused myself and my family, and my victim's  
10 family, my community. Like how much harm that was  
11 weighted on me at that time. That was big motivator for  
12 me to maintain my sobriety.

13           **ATTORNEY RYAN:** Um, how would you describe your  
14 ability to communicate with others, um, at the time of  
15 your crime and your early time in prison, um, compared  
16 to your ability to communicate with others today?

17           **INMATE WINFREY:** Um, my ability to communicate  
18 has been vastly improved by education. It's been a  
19 number one factor in allowing me to communicate. And,  
20 um, I've learned how to write since I've been in prison.  
21 And, um, since I've got an education that's went along  
22 ways to me thinking about my life. And I see when I was  
23 younger I was very poor at communicating. I didn't  
24 express my emotions, I couldn't recognize my emotions.  
25 Um, a lot of these groups have helped me understand my

1 emotions better. Um, and writing has allowed me to  
2 communicate that. And you know it shows up in ways like  
3 having a long-term relationship with my fiancée, you  
4 know and our communication on a daily basis. We talk to  
5 each other, we communicate, I express my emotions, I'm  
6 open to her, and I'm able to maintain positive  
7 communications.

8                   **ATTORNEY RYAN:** I have no further questions.

9                   **PRESIDING COMMISSIONER ANDERSON:** Thank you. At  
10 this time we're going to go back to District Attorney  
11 for a closing statement, please.

12                   **DEPUTY DISTRICT ATTORNEY BAKER:** Yes, sir. Uh,  
13 the District Attorney's position is that this inmate is  
14 not yet ready for parole. Uh, he's minimizing the  
15 planning nature of the murder. It's obvious that he did  
16 not believe that the person actually had 1500 dollars on  
17 him. By his own statement, he had been thinking about  
18 this for a while. He hadn't seen him for a month. And  
19 then to stake out the particular motel where he believed  
20 the individual was staying. He stated, he had staked it  
21 out and I believe he went up to the room three times and  
22 finally found him there. And of course, he was armed,  
23 loaded firearm. Uh, and as he stated to the  
24 psychiatrist and also in further questioning here, part  
25 of the reason that he wanted to kill him was that he had

1 to enforce the drug debt or others would in fact lose  
2 respect for him. So this is a planning, it's not a  
3 youthful offender impetuous act, it's planning. Uh, now  
4 let's look at the, uh, did he also while in the prison  
5 system did he also exhibit planning? Well, first he gets  
6 the tattoo and the tattoo is planning in order to fit in  
7 to protect himself, to fit in with the whites. He plans  
8 on, in fact obtains this tattoo and he hangs out with  
9 them. In order to obtain meth, which he believes he was  
10 addicted to, uh, he is able to produce pruno and sell it  
11 to get the meth and occasionally, when he can afford it,  
12 he said heroin. And other evidence of planning we see  
13 the, uh, bypass -- the most recent one, the bypass of  
14 the flush valve, uh, and then part of the planning there  
15 is that he had already planned or apparently planned on  
16 a defense. The defense was that it was impossible for  
17 him to do it apparently even though, uh, he said he paid  
18 somebody else to do. So is it planning once more? And  
19 so we know that the inmate can plan, the question is, is  
20 he really finally trying to fit in with the youthful  
21 offender guidelines? But -- so we believe that he's not  
22 quite eligible for parole at this time, as stated we  
23 believe he's minimizing his, uh, the offense and the  
24 planning that he engaged in there. Thank you.

25                   **PRESIDING COMMISSIONER ANDERSON:** Thank you, sir.

1 Counsel, what about you for your closing statements?  
2 Please.

3                   **ATTORNEY RYAN:** Thank you. Tommy Winfrey is a  
4 man who has worked tremendously hard to change the  
5 person he was when committed the life crime in 1997,  
6 into the person you see before you today. As a child,  
7 Mr. Winfrey had trouble with anxiety and becoming  
8 withdrawn because his father was an abusive alcoholic.  
9 His father was inconsistent and often absent spending  
10 most of his time and money in bars. Tommy longed for  
11 acceptance and attention from his father like any young  
12 boy does and when he didn't find it he looked for that  
13 acceptance in all the wrong places. When Tommy was  
14 young his family was constantly moving from place to  
15 place and he was never able to find peers who he could  
16 look up to. He was unable to develop meaningful,  
17 positive relationships. Instead he was embraced by  
18 other kids who introduced him to drugs as a means of  
19 escape and in lieu of connecting with each other. His  
20 recreational use of marijuana led him on a path to  
21 methamphetamine addiction. That addiction led him to  
22 leaving his parent's home and living in motels and couch  
23 surfing while selling drugs to make ends meet. In a  
24 desperate attempt to prove himself as a person worthy of  
25 respect to the peers he so much admired Mr. Winfrey

1 murdered Mr. Sibet, who owed him money for drugs. In  
2 doing so he was not able to find the respect he so  
3 desperately desired, but instead found himself facing a  
4 potential life sentence when he was just 19 years old.  
5 Mr. Winfrey had developed an attitude that the world was  
6 out to get him and the only person he had to look out  
7 for was himself. When Mr. Winfrey initially went to  
8 prison he again found himself in a new situation without  
9 any friends or allies. His first day on the yard at  
10 High Desert Mr. Winfrey saw a man stabbed. Other white  
11 men presented themselves as Mr. Winfrey's best chance of  
12 making friends and avoiding violence. They convinced  
13 him that their rules of conduct were what were needed to  
14 be followed in order for Mr. Winfrey to survive. In an  
15 incredibly violent environment Mr. Winfrey associated  
16 with members of the disruptive group. During that time,  
17 he got several antisocialist tattoos including the  
18 swastika. It took him leaving High Desert and being  
19 transferred to the California Men's Colony for Mr.  
20 Winfrey to realize the error in his criminal thinking.  
21 Once he was removed from the exceptionally violent  
22 environment he was able to recognize that those people  
23 who had presented themselves as his friends did not have  
24 his best interest at heart. Those men were looking out  
25 for themselves and not for each other. The racist

1 beliefs he had adopted from other whites on the yard  
2 began to fall by the wayside. He began to take college  
3 classes and self-help programs and realized how little  
4 he knew about the world. He learned to appreciate those  
5 who were different than himself. After realizing the  
6 hypocrisy of those who enforced so called prison  
7 politics, Mr. Winfrey was able to make relationships  
8 with positive influences in his life, many of whom have  
9 written him letters of support that we've discussed  
10 today. That selfish, immature, and impulsive youth is  
11 not the man who's in front of you today. Now Tommy  
12 Winfrey is a kind hearted, mature man. His education  
13 has made him a critical thinker. His programming has  
14 made him consider his impact on others, and his sobriety  
15 has given him the chance to rearrange his priorities.  
16 Mr. Winfrey woke up one morning in 2003 and decided on  
17 his own volition to turn his life around. The prison  
18 was on lockdown and he was unable to leave his cell and  
19 lacked necessities because he had spent all his money on  
20 drugs. Mr. Winfrey made a mental list of all the things  
21 drugs had done in his life, and nothing on that list was  
22 positive except fleeting moments of escape. He decided  
23 that this was not the kind of life he wanted to live.  
24 From that day forward Mr. Winfrey has been sober. After  
25 transitioning to a prison where it was available and

1 getting honest with himself, Mr. Winfrey was able to  
2 join NA, get a sponsor, and admit he was powerless over  
3 drugs. He has worked the 12-steps and uses them every  
4 single day to better himself. In the past, yes, Mr.  
5 Winfrey blamed Mr. Sibet for the crime. He thought if  
6 only Mr. Sibet had paid his drug debt the crime never  
7 would have occurred. It took time for him to mature and  
8 understand that nobody but himself is responsible for  
9 the crime. He takes full responsibility. His remorse  
10 is clear from the way he talks about what happened. Mr.  
11 Winfrey entered prison as a high school graduate and  
12 today has three associate's degrees. He has shown an  
13 intense commitment to his education, which he lacked as  
14 a lost teenager. In high school, he opted to go to a  
15 continuation school in order to get high school over  
16 with as quickly as possible. He took the easy way out.  
17 While incarcerated, Mr. Winfrey sought to be transferred  
18 to institutions that had college programming available.  
19 This was the hard way. He worked hard. When classes  
20 were not available to him he took the initiative to  
21 reach out to professors and ask permission if he could  
22 personally take their classes remotely. He's now fully  
23 engaged in San Quentin's coding program and plans on  
24 turning that skill into a career. Mr. Winfrey has  
25 thought extensively about his parole plans, and if found

1 suitable will use every resource available to him in  
2 order to successfully reenter free society. Regardless  
3 of whether he is permitted to San Diego or stay in the  
4 Bay Area, Mr. Winfrey is prepared to go to transitional  
5 housing in order to gain the confidence and skills he  
6 needs in order to have a successful transition. He has  
7 found potential employment and hopes to enroll in a  
8 coding boot camp in order to continue the education that  
9 began at San Quentin. Mr. Winfrey has planned  
10 extensively to prevent relapse and to remain vigilant in  
11 his sobriety. Mr. Winfrey's plans are realistic and  
12 will set him up for success. In all his years of  
13 incarceration Mr. Winfrey has not once been written up  
14 for a violent offense. In his psychological evaluation,  
15 Dr. Goldstein found that Mr. Winfrey represents a low  
16 risk for violence and described his behavior in prison  
17 as exemplary. He is sober, well adjusted, and it is  
18 clear that he is no longer a threat to society. He is  
19 truly remorseful for his crime, takes full  
20 responsibility for the pain and suffering he caused the  
21 victim, the victim's family, as well as the greater  
22 community. He has actively sought targeted programming  
23 to change his life. For all the aforementioned  
24 reasons, we respectfully ask that Mr. Winfrey be found  
25 suitable for parole.

1           **PRESIDING COMMISSIONER ANDERSON:** Thank you. Mr.  
2 Winfrey, do you have a statement of suitability you'd  
3 like to present us with today?

4           **INMATE WINFREY:** Yes, sir.

5           **PRESIDING COMMISSIONER ANDERSON:** Go right ahead.

6           **INMATE WINFREY:** All right. I want to first  
7 apologize to everybody for my actions that brought you  
8 into this room today. Um, I'm truly sorry for taking  
9 Mr. Sibet's life. Um, and I realize now the impact I've  
10 had on everybody. Um, his family, my family, the  
11 community, even your lives, that you have to sit here  
12 and talk to me today. Um, and I just want the Sibet  
13 family to know that I'm -- I'm truly sorry for taking  
14 Shay's life. I realize I didn't have a right to do  
15 that. You know, it took me a long time to come to that  
16 realization in prison, but I do realize that today. We  
17 talked about, um, me saying prison saved my life, or  
18 taking Shay's life saved my life. It did in the aspect  
19 that it gave me a controlled place -- an environment to  
20 grow up and come to some realizations about my life and  
21 understanding how I got here. Um, you know, I've  
22 received that education and, uh, looked at my problems.  
23 I don't run from my problems like I used to. I don't  
24 seek, you know, pleasure to avoid painful feelings when  
25 I feel them. I feel those things and deal with them in

1 a mature way. I've learned to do that in prison. And  
2 education has opened up my mind to the racist beliefs I  
3 once held. It's shown me the error of my ways and  
4 allowed me to make friend -- meaningful friendships with  
5 people outside my culture. You know, education I  
6 believe I've watched so many men go through it, it can't  
7 help but do that, once you get into the setting of an  
8 environment of higher learning. And it's definitely  
9 helped me do that. And today even inside prison I feel  
10 like I'm part of a meaningful community. And I do  
11 everything I can in here that's within my means to help  
12 support that community. And -- and change people's  
13 lives, help them see the things that I've saw about my  
14 life. And given the chance I promise this board here  
15 today that I won't forget those lessons in life, if I'm  
16 given the chance to, um, go home and I'll continue to  
17 work with youth and make -- use my life as an example to  
18 help prevent other people from coming here today. That  
19 -- that's all.

20                   **PRESIDING COMMISSIONER ANDERSON:** Thank you. We  
21 have a time of 11:10 a.m. We're going to take a break.

22                   **R E C E S S**

23                   **--oo--**

24  
25

1                   **CALIFORNIA BOARD OF PAROLE HEARINGS**2                   **D E C I S I O N**

3

4                   **DEPUTY COMMISSIONER REMIS:** 11:36 a.m., back on  
5 record.

6                   **PRESIDING COMMISSIONER ANDERSON:** Uh, once again  
7 today's date is, uh, January 11<sup>th</sup>, 2017. We're located  
8 at San Quentin prison. And this is a decision in the  
9 matter of Thomas Winfrey, CDC number P-02144. Winfrey  
10 was committed to CDCR from Los Angeles County for murder  
11 second degree the use of a fire arm. He, uh, entered  
12 CDCR on, uh, 6/24/1998. The minimal eligible parole  
13 date is 5/26/2019 and, uh, he's a youthful offender and  
14 therefore the youthful offender early release date is,  
15 uh, 10/15/2016. And the victim was Shay Sibet, S-I-B-E-  
16 T. Sibet. We'll just say Sibet. According to the  
17 California supreme court of making a parole eligibility  
18 decision this panel must not act arbitrarily or  
19 cautiously. We must consider all relative reliable  
20 information available, in this case we've done that.  
21 Um, well, when a person has committed his controlling  
22 offense as defined in Subdivision A of Penal Code  
23 Section 351, prior to obtaining on an SB 261, 23 years  
24 of age and he met that criteria, the board shall give

25                   **THOMAS WINFREY P-02144 DECISION PAGE 1 1/11/17**

1 great weight to diminished copiability of a youthful  
2 offender as compared to that of an adult. We should  
3 weigh the hallmark features of youth, and any subsequent  
4 growth and maturity in determining suitability for  
5 parole and we've done that in this case. And we've also  
6 considered the comprehensive risk assessment. We've  
7 took into consideration the youthful offender  
8 characteristics, and that was by Dr. Goldstein. We also  
9 weighed, uh, uh, the hallmark features of youth, and  
10 that includes the letters that came in. The supporting  
11 evidence in the C file, and, uh, we also read the  
12 confidential. There's no confidential information that  
13 the board relied upon to make a decision here today.  
14 Uh, the fundamental consideration in making a parole  
15 eligibility decision is what is the potential threat to  
16 public safety at this time of an individual before us?  
17 And having this legal standing in mind and after giving  
18 great weight to the diminished culpability of a youthful  
19 offender as compared to an adult and weighing all of our  
20 cased reviewed and subsequent growth. Uh, the board  
21 finds that Mr. Winfrey does not pose an unreasonable  
22 risk of danger or a threat to public safety and is  
23 therefore eligible for parole. Now the record does  
24 reflect some circumstances tend to show unsuitability

25 **THOMAS WINFREY P-02144 DECISION PAGE 2 1/11/17**

1 and these were all considered by this panel. Um, but  
2 the evidence is there that, uh, suitability factors tip  
3 the scales. And when they tip the scales we as a panel  
4 weigh it in your favor. Particularly in terms of  
5 dealing with SB 261 factors. Uh, Mr. Winfrey this  
6 decision does not diminish the fact that you went into  
7 the residence, well a motel, where the victim was  
8 located and got in an argument because the victim owed  
9 you money by your own statements. Approximately 1500  
10 dollars and during this argument you had a hand gun with  
11 you and you subsequently shot the victim, uh, multiple  
12 times including two while the victim was already  
13 incapacitated. This shows a cold blooded delib --  
14 deliberate attempt to kill him. And you said -- you  
15 didn't minimize that, you say you were going to kill  
16 him. Uh, your actions for this crime is in no way  
17 justified. Um, we've addressed those issues while we've  
18 been doing this hearing here today and you gave the  
19 board a level of insight that shows you have a clear  
20 understanding of causative factors of your conduct,  
21 including the impulsivity, including, um, the  
22 recklessness and they poor judgement on your part. Um,  
23 after a long period of time imitable factors such as  
24 this life crime and your prior criminality, which you

25 **THOMAS WINFREY P-02144 DECISION PAGE 3 1/11/17**

1 did have, unstable social history, you have an unstable  
2 social history. These may no longer indicate a current  
3 risk in light of a lengthy period of positive  
4 rehabilitation. And that's where we are at here today.  
5 You were -- when you first came to prison, uh, you were  
6 not exactly a good citizen. We've talked about that,  
7 your 115's, but you said in 2003 you stopped the drugs,  
8 you stopped the, um, behavior that would lead to rule --  
9 rule violations and started your path of rehabilitative  
10 efforts. The panel does find that you were a youthful  
11 offender, and what are youthful offenders? There's a lot  
12 of factors involved in this youthful offenders process,  
13 but we looked at your background. We looked at your  
14 emotional, uh, stability at the time of the life crime,  
15 and your emotional stability today, which is you know,  
16 it shows rehabilitation. You were on a drug binge, you  
17 were taking drugs, you were taking meth, and, um, you  
18 had no, um, susceptibility to deterrence's, the law, you  
19 broke the law. You made ill-conceived decisions at that  
20 time. And, uh, you didn't weigh the long-term  
21 consequences of your actions. So you carried a gun, you  
22 sold drugs, you took drugs, and so these poor decisions  
23 ultimately led to the life crime and so, but the panel,  
24 uh, that you have shown the growth, you've shown

25 **THOMAS WINFREY P-02144 DECISION PAGE 4 1/11/17**

1 maturity, uh, though in incarceration as I pointed out  
2 at that 2003 revelation on your own admission. Maturity  
3 leads to reflection, maturity leads to, uh, the ability  
4 to demonstrate remorse, and understand empathy, and  
5 grow. And, um, so that's why this board is able to  
6 recommend your parole here today. Um, you accept full  
7 responsibility for your actions as evidence by your  
8 statements during the question and answer session here  
9 by this panel. Um, I was concerned about your ongoing  
10 ability to be influenced by others and get involved  
11 because you want to fit in and go along, but I don't  
12 think that is longer an issue with you. I was concerned  
13 about your racist, uh, involvement and with the prior  
14 growth, but I don't think that's true today. Um,  
15 otherwise I wouldn't support you for parole, trust me.  
16 Uh, I'm not going to support somebody who can't get  
17 along with other members in society, because society is  
18 diverse today. In more ways than when you came in son.

19           **INMATE WINFREY:** Yeah.

20           **PRESIDING COMMISSIONER ANDERSON:** You know that.

21           **INMATE WINFREY:** Yeah.

22           **PRESIDING COMMISSIONER ANDERSON:** So, uh, you've  
23 done some, um, very good self-help programs. You've,  
24 uh, focused your efforts and, um, and um, so we -- we --

25           **THOMAS WINFREY P-02144 DECISION PAGE 5 1/11/17**

1 you're no longer susceptible to that peer pressure. To  
2 what others think because you have other things in your  
3 life that allow you to focus on doing the right thing.  
4 And that is the thing that is expected of someone who's  
5 going to be in society. You have realistic parole  
6 plans, uh, what I have for you, San Diego?

7       **INMATE WINFREY:** Yes, sir.

8       **PRESIDING COMMISSIONER ANDERSON:** We put it on  
9 the record, it's, um, I wrote it in there. I thought it  
10 was going to show up on this sheet.

11      **DEPUTY COMMISSIONER REMIS:** Training Center.

12      **PRESIDING COMMISSIONER ANDERSON:** Training center  
13 in Spring Valley. That's a transitional home.

14      **INMATE WINFREY:** Yes.

15      **PRESIDING COMMISSIONER ANDERSON:** That will be a  
16 good one for you. And let's see here, your  
17 comprehensive risk assessment we've gone over. Um,  
18 they're supportive of release by Dr. Goldstein. It is a  
19 low risk to recidivate, um, he did the analysis and, um,  
20 he did the particular in regards to the, uh, youthful  
21 offender portion of his analysis and found it -- it's  
22 actually mitigating. You were 19 years old at the time  
23 of the commitment offense. And you had a diminished  
24 copiability as compared to that of an adult offender and

25      **THOMAS WINFREY P-02144 DECISION PAGE 6 1/11/17**

1 -- and you continued on this undeveloped sense of  
2 responsibility while in prison with your intoxicating  
3 substance, but, uh, you've been demonstrating increased  
4 maturity while -- in the last several years. You take  
5 full responsibility for the crime and that's why it's  
6 mitigating, so that's, um, that was a factor the board  
7 weighed. Gives us a weighted factor of your suitability  
8 here today. So that's supportive of release. In terms  
9 of other comments, I would ask Commissioner Remis  
10 provide you with some feedback at this time, sir.

11           **DEPUTY COMMISSIONER REMIS:** Thank you. I joined  
12 in the panel decision, uh, you are, uh, sufficiently  
13 suitable. You meet the legal standard today. And for  
14 the reasons stated and in addition, uh, I note the  
15 youthful offender law, and I agree with Commissioner  
16 Anderson and, uh, the Doctor's report that, um, your  
17 case factors, uh, apply to some extent to mitigate the,  
18 uh, crime. And I would particularly note as you talked  
19 about the causative factors of the crime with some  
20 insight, your writings that you've written that we've  
21 referred to and read. In addition, you mentioned your  
22 reputation in the community as a tough drug dealer  
23 carrying a gun and how this guy, uh, Ronny the other,  
24 uh, drug dealer, uh, convict that was influential to

25           **THOMAS WINFREY P-02144 DECISION PAGE 7 1/11/17**

1 you. It was both, um, plausible and credible your  
2 explanation that this was a factor and that this is the  
3 type of thing that is associated with the youthful  
4 offender factors. So I find that they were relevant in  
5 your case, and active. And, uh, you, uh, were also when  
6 you came to prison, uh, somewhat susceptible to peer  
7 influences. Uh, which somewhat reinforces the fact that  
8 you were a youthful offender and not only by your age,  
9 but by your action and your mindset. And, uh, the  
10 actions that you had, um, at that time including whether  
11 it was selling pruno, uh, stealing sugar, you know, the  
12 things that you did, um, and, uh, but the record shows  
13 that you have matured. You have upgraded your  
14 education. The vocational things we talked about, uh,  
15 show, uh, ability to really see the long range, to see  
16 the bigger context and to work towards prosocial goals,  
17 which were things that you were not doing. You found  
18 out that you were a good student, that you were pretty  
19 smart, that you, uh, started finding peers to associate  
20 with it, or mentors in a prosocial direction, and you  
21 made considerable headway in a fairly rapid pace. And  
22 your vocations, education, um, much more than the  
23 average inmate. You know, not the most I've ever seen,  
24 but quite up there in terms of unusual amount of

25 **THOMAS WINFREY P-02144 DECISION PAGE 8 1/11/17**

1 accomplishment. And so I commend you for that. And,  
2 um, in addition to that you talked about the health  
3 challenges with your diabetes, um, thinking about your  
4 behavior about the drug addict and drug selling. And  
5 you seemed to have turned a corner, you have quite a lot  
6 of support, both from your programs you've been doing  
7 from prison. All the letters of support from people in  
8 the community, other inmates, too, which we don't often  
9 see so much of and I found those to be credible and very  
10 good that you have impacted other people in positive  
11 ways, including the Squires mentorship program, project  
12 L.A., things like that. Um, it is a little troubling,  
13 um, with your criminal thinking. When we talked about  
14 the flush o'meters and your thoughts, you know, uh, your  
15 explanation of that was somewhat credible, uh,  
16 plausible. Um, I don't know if I bought that 100  
17 percent, but there is no real evidence to show it was  
18 something worse than that. I mean nothing violent would  
19 support that so it's just speculation that it might have  
20 been something else. So and then again that's still  
21 over six years ago. And that's your disciplinary record  
22 has been, you know, good. Your conduct has been only  
23 good since then. So, um, look at the totality. Uh, you  
24 have improved and you have had sustaining improvement

25 **THOMAS WINFREY P-02144 DECISION PAGE 9 1/11/17**

1 and, um, that is, um, very important, not only in your  
2 understanding, not only in your maturity, how you  
3 conduct yourself, how you really, um, helped others.  
4 And really got out of that selfish person. When you  
5 came To San Quentin, you got involved with NA, the art  
6 program, the GRIPP program, you started becoming more  
7 articulate, understanding your feelings, being able to  
8 express, associate with people in your behavior in a  
9 more, um, sophisticated, um, comprehensive, mature way.  
10 And so at age 38, actually you present more self-process  
11 than I've met in the prison setting, in some ways. So I  
12 commend you and acknowledge that from this -- I see a  
13 lot of people and so just try to compare. So, um, and  
14 that bares on your risk and your ability to adapt in the  
15 community. And your parole plans seem feasible with the  
16 skills that you have, uh, the way you've, um, been able  
17 to use your relationships and skills to look for ways  
18 to, um, network, and both socially and professionally.  
19 Uh, it shows that you really have skills and ability to  
20 be successful on parole. And those are all supportive  
21 of release. Um, you have family support also, which you  
22 may have had in the past, but were not of a mentality or  
23 behavior to really integrate that, and make benefit of  
24 that. So, um, we talked about some of our skills and

25 **THOMAS WINFREY P-02144 DECISION PAGE 10 1/11/17**

1 your relapse prevention plan and you were able to talk  
2 about that and, um, I have some confidence that you're  
3 going to continue with, um, addressing your substance  
4 abuse history. I mean, uh, it's in the past, but, uh,  
5 you seem sufficiently motivated to keep that in  
6 progress. To work with a sponsor. So I feel fairly  
7 confident about that. So overall, um, uh, in some ways  
8 you're not a perfect inmate, but you've been exemplary  
9 particularly for the last few years. And I think it's  
10 been enough, certainly enough for long enough that you  
11 meet the standard. And, um, certainly the youthful  
12 offender moved up your hearing, gave you an opportunity  
13 to be here, and that did not hurt your cause. So for  
14 the reasons stated I believe you, um, legally meet the  
15 standard for parole. And I support the grant today.

16 Commissioner?

17 **PRESIDING COMMISSIONER ANDERSON:** Thank you. The  
18 term calculations, um, did a term calculation for second  
19 degree murder, and, um, we aggravated by 12 months  
20 because, um, the victim was vulnerable, just had a pair  
21 of jeans on, jean shorts, whatever they were. And, um,  
22 so that's 19 years. I have 18 years on your life crime,  
23 and you have, um, two 115's. So we did 16 years, at  
24 four months per year. You got 64 post-conviction

25 **THOMAS WINFREY P-02144 DECISION PAGE 11 1/11/17**

1 credits and it's, um, a date in the past, not a date in  
2 the future. In other words, listen, it's not a final  
3 decision. Do not break any rules under California code  
4 of regulations Title 152451. If you break any rules  
5 your release date may be changed or taken away. The  
6 board has calculated your based time, and adjusted based  
7 time to comply with the current terms of your  
8 (inaudible) decision. And due to the pass of Senate  
9 Bill 230 effective January, 1, 2016, if you're granted  
10 parole your based time and adjusted based time will not  
11 affect your release date. If you are granted parole,  
12 your grant will come final after all reviews are  
13 completed and you have released your minimum eligible  
14 parole date, which you have not. Or your youthful  
15 parole eligibility date, which you have. So you met  
16 one. Now, and you'll have a copy of this. It's right  
17 here. And we have a copy too. Our decision is not  
18 final, the decision will come final after 120 days and  
19 only after review by the BPH decision review unit.  
20 Decisions then will become effective after 30 additional  
21 days, at which time the governor may review this  
22 decision. You will be notified in writing if there are  
23 any changes to this decision. When you are released on  
24 parole, you will be subject to all the general

25 **THOMAS WINFREY P-02144 DECISION PAGE 12 1/11/17**

1 conditions on parole it's required by Penal Code Section  
2 2512, as well as any special conditions of parole. Um,  
3 for you, participate on antinarcotic testing, drugs,  
4 meth. And, uh, abstain from alcoholic beverages,  
5 substance abuse related issues during parole. Don't  
6 have any contact with the victim's next of kin. And,  
7 um, Mr. Winfrey you're a young man now. You were a  
8 young man when you came in, you're still a young man.  
9 You have an opportunity to make a contribution to  
10 society at this time. And, um, you should do that. Uh,  
11 I'm not very sympathetic to people coming back to prison  
12 when they get a second chance.

13 **INMATE WINFREY:** Yes, sir.

14 **PRESIDING COMMISSIONER ANDERSON:** So -- so don't  
15 come back. I don't think you will.

16 **INMATE WINFREY:** I won't.

17 **PRESIDING COMMISSIONER ANDERSON:** I don't think  
18 you will, son. Where am I from son? Where am I from?

19 **INMATE WINFREY:** You're from the south I know  
20 that.

21 **PRESIDING COMMISSIONER ANDERSON:** Yeah, you know  
22 that. I'm from Texas.

23 **INMATE WINFREY:** Are you, sir?

24 **PRESIDING COMMISSIONER ANDERSON:** From Justeford,

25 **THOMAS WINFREY P-02144 DECISION PAGE 13 1/11/17**

1 where you from?

2 **INMATE WINFREY:** Port Arthur.

3 **PRESIDING COMMISSIONER ANDERSON:** Okay.

4 **INMATE WINFREY:** Beaumont.

5 **PRESIDING COMMISSIONER ANDERSON:** Dallas, close  
6 to Dallas, okay. Well, you're going to be in California  
7 for a while.

8 **INMATE WINFREY:** Yeah, yes, I am.

9 **PRESIDING COMMISSIONER ANDERSON:** Good luck to  
10 you.

11 **INMATE WINFREY:** Thank you, sir.

12 **PRESIDING COMMISSIONER ANDERSON:** You're welcome.

13 **INMATE WINFREY:** I appreciate it.

14 **PRESIDING COMMISSIONER ANDERSON:** The time is now  
15 11:57 a.m. This hearing is now concluded.

16 **A D J O U R N M E N T**

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25 **THOMAS WINFREY P-02144 DECISION PAGE 14 1/11/17**

1 THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE  
2 BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR  
3 RECENT BOARD HEARING AND IS PROVIDED TO YOU IN  
4 COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION  
5 (A)(4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15,  
6 SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL  
7 WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED  
8 BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE  
9 BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE  
10 PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED  
11 TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF  
12 LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO  
13 CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042.  
14 THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE  
15 BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT  
16 PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.

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25 THOMAS WINFREY P-02144 DECISION PAGE 15 1/11/17

**CERTIFICATE AND  
DECLARATION OF TRANSCRIBER**

I, DERON OWENS, as the Official Transcriber,  
hereby certify that the attached proceedings:

In the matter of the Life      )    CDC Number:      P-02144  
Term Parole Consideration      )  
Hearing of:                      )  
                                    )  
THOMAS DEAN WINFREY            )  
                                    )

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SAN QUENTIN STATE PRISON

SAN QUENTIN, CALIFORNIA

JANUARY 11, 2017

8:41 A.M.

were held as herein appears. Further, this transcript  
is a true, complete, and accurate record, to the best of  
my ability, of the recorded material provided for  
transcription.



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DERON OWENS  
January 21, 2017  
Dictate Express  
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